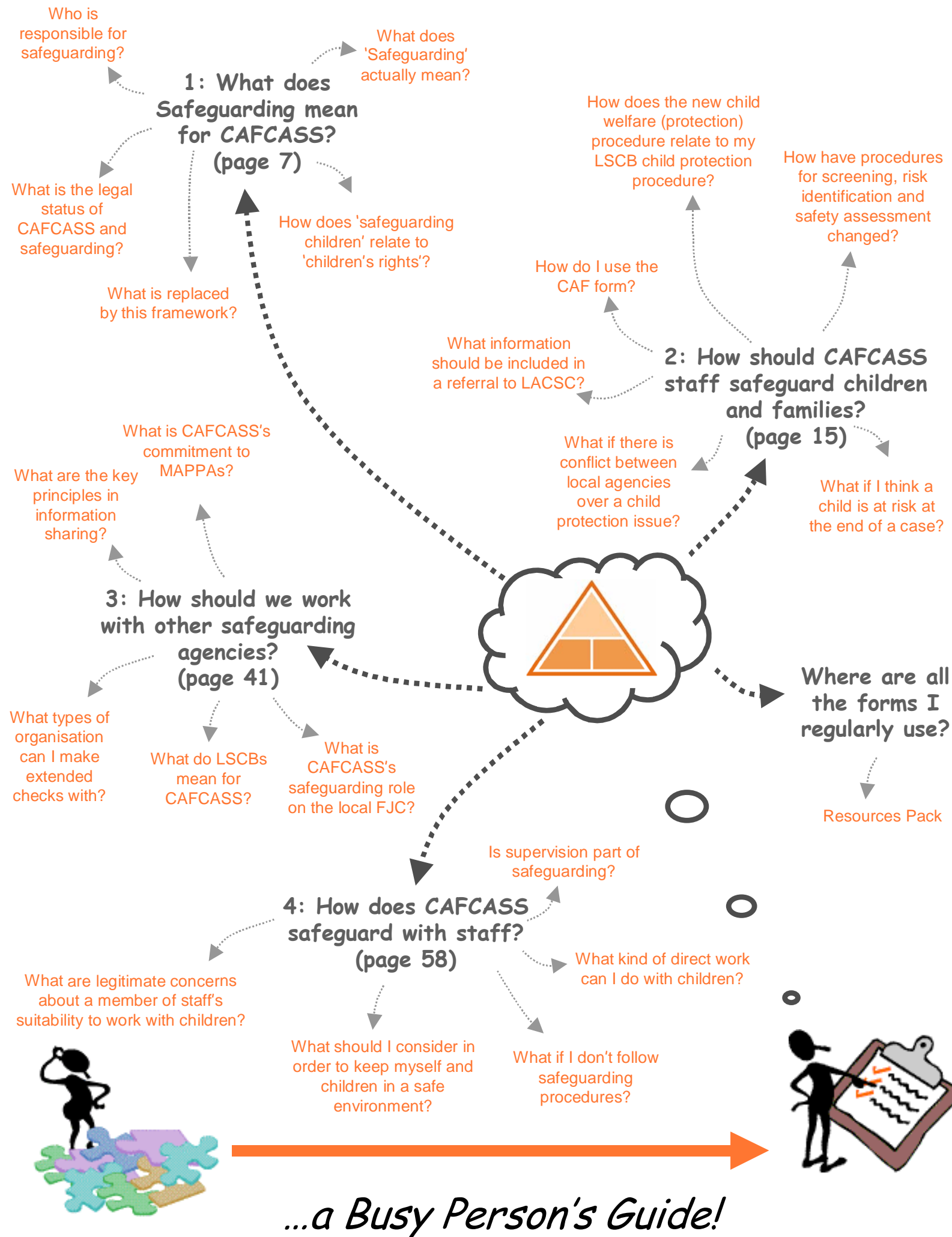


SAFEGUARDING FRAMEWORK







Cafcass as a Safeguarding agency

The CAF/CASS Safeguarding Framework...



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Foreword

This document was produced in spring 2006 and published for consultation in the three months leading up to 7th August 2006. In addition to a large response from Cafcass staff, consultation responses were received from 27 organisations, which Cafcass would like to thank for their contributions:

- ADSS (now ADCS)
- Barnardos
- Blackburn with Darwen Borough Council
- Bolton Safeguarding Health & Well-being Board
- British Association of Adoption and Fostering
- British Association of Social Workers (BASW)
- District Judge Carron
- NAGALRO
- Coordinated Action Against Domestic Abuse (CAADA)
- Coventry LSCB
- Derby City Council
- Devon LSCB
- Halton Borough council
- Justices Clerk Society
- Liverpool Safeguarding Strategy Unit
- D McPhail, Chair of Southampton LSCB
- National Youth Advisory Service (NYAS)
- Northamptonshire Children & Young People's Service
- North Tyneside Local Authority
- NSPCC
- Social Care Institute for Excellence (SCIE)
- St Helen's Local Safeguarding Children's Board (LSCB)
- Telford & Wrekin LSCB
- The Law Society
- Torbay LSCB
- Worcestershire LSCB
- Women's Aid

Thanks are also due to members of the Cafcass Safeguarding and Domestic Violence Steering Group, without whose help this document could not have been developed.

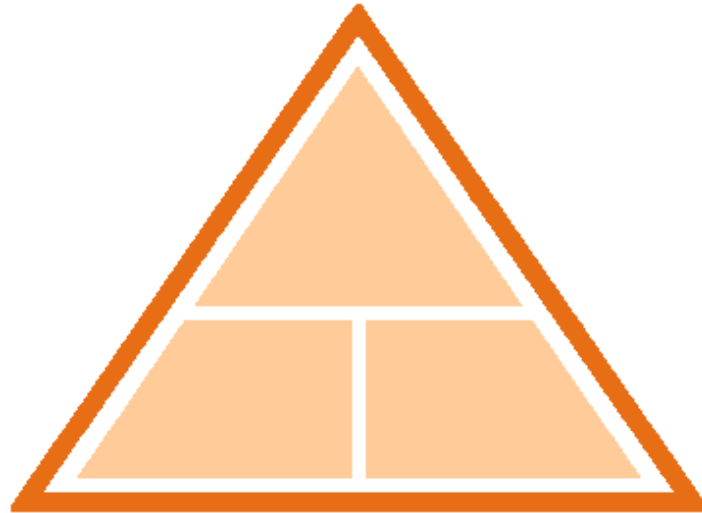
The document has been revised in response to the comments received through the consultation process. Any further suggestions can be addressed to elizabeth.hall@cafcass.gov.uk and will be held for when this Framework is updated.

1st March 2007

Glossary

| | |
|--------------------------|---|
| ADCS | Association of Directors of Children's Services (formerly ADSS) |
| ADR | Alternative Dispute Resolution |
| All Staff | Everyone who works for Cafcass, including practitioners who are paid on a self-employed basis |
| CAF | Common Assessment Framework |
| Cafcass | Children & Family Court Advisory & Support Service: the organisation and everyone who works within it |
| CAMHS | Child and Adolescent Mental Health Services |
| Child | This term refers to children and young people up to the age of 18. Although children and young people are defined by their age, Cafcass will treat children according to both their age and their understanding |
| CMS | Cafcass Case Management System |
| Contract Manager | See Service Manager |
| CROA | Children's Rights Officers and Advocates |
| DfES | Department for Education & Skills |
| Senior Management | Chief Executive, Corporate Directors, Regional Directors and Business Managers ¹ |
| FCA | Family Court Adviser (employed Cafcass practitioner) |
| FJC | Family Justice Council |
| GSCC | General Social Care Council |
| IRO | Independent Reviewing Officer |
| LAC | Looked After Children – young people for whom the local authority shares parental responsibility |
| LACSC | Local Authority Children's Social Care – previously referred to as 'Social Services' |
| LSCB | Local Safeguarding Children Board |
| MAPPA | Multi-Agency Public Protection Arrangement |
| MARAC | Multi-Agency Risk Assessment Conference |
| NACCC | National Association of Child Contact Centres |
| NAGALRO | National Association of Guardians Ad Litem and Reporting Officers |
| NAPO | National Association of Probation Officers |
| PCS | Public and Commercial Services Union |
| Policy | When referring to Cafcass Policy, this may include all relevant policy documents, such as Procedures and Guidance |
| Practitioner | This includes all Cafcass employed practitioners (full-time, part-time or on the Bank Scheme) and self-employed contractors |
| Regional Director | Line Manager for Service and Contract Managers, Heads of Service in some areas ¹ |
| SCR | Serious Case Review |
| Service Manager | Line manager for practitioners. This also refers to the Contract Manager role ¹ |
| UNISON | The public services union |

¹ All positions and references to the structure of the organisation are correct at the time of writing



1 Cafcass as a Safeguarding agency

Cafcass values the importance of safeguarding and promoting the welfare of children, including their active involvement, in all aspects of our work, throughout the organisation and in partnership with children and young people and their families, and with other safeguarding agencies. We want all the children with whom we work to have a secure identity and a safe base, from which they will be able to flourish throughout their childhood. All of the organisation's activities, policies and procedures will contribute to these objectives.

The single most important change...must be the drawing of a clear line of accountability, from top to bottom, without any ambiguity, about who is responsible at every level for the well-being of vulnerable children

Consistent failure to communicate with Victoria was partly responsible for concealing her situation

Victoria Climbié Inquiry Report 2003 (paras. 1.27 & 5.184)



Cafcass as a safeguarding agency

1.1 Every Child Matters, 2003, changed the approach for public services in responding to the needs of children. For the first time, 5 key outcomes for all children were identified:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

1.2 Following Every Child Matters, the Children Act 2004 introduced major changes to the way services for children will be delivered in this country. Part of the change was an explicit requirement, made of every safeguarding agency, in terms of the commitment to be expressed by senior management, the management and development of staff, and the way services are to be delivered. This Safeguarding Framework is Cafcass' response to that challenge.

1.3 More detailed information about the wider policy context is available on the Every Child Matters website: www.everychildmatters.gov.uk

1.4 In common with other agencies working with children, Cafcass is under a statutory duty to safeguard the children with whom we work. For Cafcass, this is established in our founding legislation.

Section 12 Criminal Justice and Court Services Act 2000

- (1) In respect of family proceedings in which the welfare of children is or may be in question, it is a function of the Service to –
- (a) **safeguard and promote the welfare of the children,**
 - (b) give advice to any court about any application made to it in such proceedings,
 - (c) make provision for the children to be represented in such proceedings,
 - (d) provide information, advice and other support for the children and their families.

The Cafcass commitment to safeguarding

1.5 “Safeguarding” is a concept that has evolved over time. It is a wider concept than that of child protection. Safeguarding and promoting the welfare of children is defined by Working Together to Safeguard Children (2006), and adopted by Cafcass as:



- protecting children from maltreatment;
- preventing impairment of children's health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
- undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.

1.6 Cafcass will:

- work to ensure that outcomes for children in the family court system both keep them safe and promote their welfare
- ensure that the individual child's voice is heard and is taken into account in making decisions about them
- commit the work of the whole organisation towards achieving these aims

Who is accountable for safeguarding children within Cafcass?

1.7 Safeguarding and promoting the welfare of children with whom Cafcass works is the responsibility of every one of our staff.

1.8 Cafcass has a clear line management structure, and all employed members of Cafcass staff are accountable via their line manager. This includes all non-practitioner staff, who share with practitioner staff the responsibility to be alert to issues about safeguarding.

1.9 Self-employed contractors are accountable through the terms of their contract, which requires compliance with Cafcass policies. The key working relationship for self-employed contractors is with the Contract Manager (whose safeguarding duties are covered within this Framework under the title Service Manager).

1.10 Within Cafcass, performance management, supervision and opportunities for reflective practice are provided by a variety of methods (see section 4 of this Framework). These arrangements should promote, rather than confuse, safe practice and accountability. Where this Safeguarding Framework states that the member of staff should inform his / her 'manager' (for example where there are concerns about possible significant harm, as described at para. 2.81) then this person is defined as the staff member's line manager or contract manager, irrespective of any alternative arrangements for mentoring or practice supervision.

1.11 When a situation arises which means that contact with the line manager is needed, but the individual's manager is not available, contact should always be made with the nominated cover manager, or with the relevant Senior Manager.

1.12 At Board level, there is a Board member responsible for Cafcass' safeguarding role.



- 1.13 At senior management level, a Corporate Director carries safeguarding and domestic violence within her portfolio of responsibilities. This Corporate Director is responsible for all situations arising as defined in the Safeguarding Framework. There is a lead Regional Director with responsibility for safeguarding and domestic violence: this director is assisted by the Cafcass Safeguarding Group, which comprises Service Managers and practitioners from each region.
- 1.14 The requirement to address the safeguarding needs of children will be included in all commissioning arrangements and external contracts.

Accountability and 'defensible decision-making'

- 1.14 Cafcass recognises the demands of working with children and families, particularly at difficult yet crucial moments in their lives. The policies and procedures of the organisation aim to safeguard and promote the welfare of children. At the same time the organisation is committed to supporting staff. It is impossible to foresee every eventuality or set out guidance for every interaction with service users. Whilst compliance with policies offers staff protection in the majority of cases, no absolute protection can be given to the organisation or individual staff, as we are all accountable for our decisions and actions. Assessments and judgments must be made on an individual case-by-case basis along with decisions on the actions to be taken. The aim is to make good decisions for every child.
- 1.15 This is not a justification for practice that is only concerned to 'cover one's back' or aimed at encouraging staff to shy away from calculated risk taking. It is, instead, encouragement to staff to be rigorous in their practice in the weighing up of different options and when doing so, to be properly concerned for their own personal and professional safety.
- 1.16 The "defensible decision" is about the quality of thinking, judgment and action in each case. Key ingredients in achieving a position which promotes the best possible outcomes for the child (in no particular order) are:
- staying within agency policies and procedures
 - taking all reasonable steps
 - taking an evidence-based approach
 - ensuring direct participation of the child / young person
 - using reliable assessment methods
 - collecting and thoroughly evaluating relevant information
 - recording and accounting for the decision making
 - communicating with relevant others, seeking information you do not have
 - not working in isolation or taking the most critical decisions on your own
 - appropriate use of managers and resources provided by the organisation and its partners



Policies

- 1.17 Not all Cafcass policies will fit within this Framework, although the integrated and interdependent nature of our policies means that in some way they are all relevant. It would be too unwieldy to try to incorporate all policies here, but they all need to be consistent with the duty to safeguard and promote the welfare of the children with whom Cafcass works.
- 1.18 Much of the material here is not new; relevant existing policies and procedures have been updated and re-organised into the three sections. The formal implementation of this Framework will replace the Cafcass Child Protection Procedures; the Interim Police, Child Protection Register & Social Services Checks Policy; the Section 120 policy; and the Domestic Violence Policy (though the DV toolkit remains a separate document).

Children's rights, children's needs and diversity

Children's rights

- 1.19 As described in the Children's Right's policy, Cafcass aims to actively promote the rights of children & young people it is involved with; to be directly accountable to children & young people for the services we provide; to ensure that the service Cafcass provides to the diverse spectrum of children and young people is inclusive and respectful of their individual needs; and to be a child centred organisation.
- 1.20 The promotion of children's rights is key to safeguarding and promoting the welfare of children, and safeguarding does not work in the absence of the child's perspective and participation. As set out in section 2 of this document (Safeguarding Children and Families) children and young people should be active partners in this task, rather than passive recipients of a service. At all times, the Cafcass practitioner should be clear about the nature of the involvement, and what action the child or young person can take if there is disagreement.
- 1.21 Some of the most important rights are enshrined within the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (incorporated into English Law under the Human Rights Act 1998) these include:
- The right to life (article 2)
 - Freedom from torture, inhuman & degrading treatment (article 3)
 - The right to a fair hearing (article 6)
 - The right to respect for private and family life (article 8)
 - The freedom from discrimination (article 14)



1.22 In all work undertaken on behalf of Cafcass, either by employees, self employed contractors or a contracted agency, care must be taken not to restrict the human rights of the children and families with whom we work. In all actions the following questions need to be satisfied:

- is the action legal?
- is it necessary?
- is it proportionate?

Children's needs

1.23 The wider social care world uses a 4-tier model, to portray the varied levels of need experienced by all children. The model provides a conceptual framework for matching the level of children's need with the complexity of interventions required to meet that need. It assumes as a starting point that most children's needs can be met within universal services, those available to and accessed by all children, with additional services added at each level and more complex multi-agency responses at the higher levels of need or risk. The aim of the model is to support the child wherever possible within the universal setting, and to enable the child to return to the universal service following a period of more intense or specialist support. Typically, especially at Tiers 3 and 4, children have a complex variety of different needs. The model is not static – children will move between tiers as their situation changes.

1.24 The work done by Cafcass can be modelled onto this Framework, as follows overleaf.

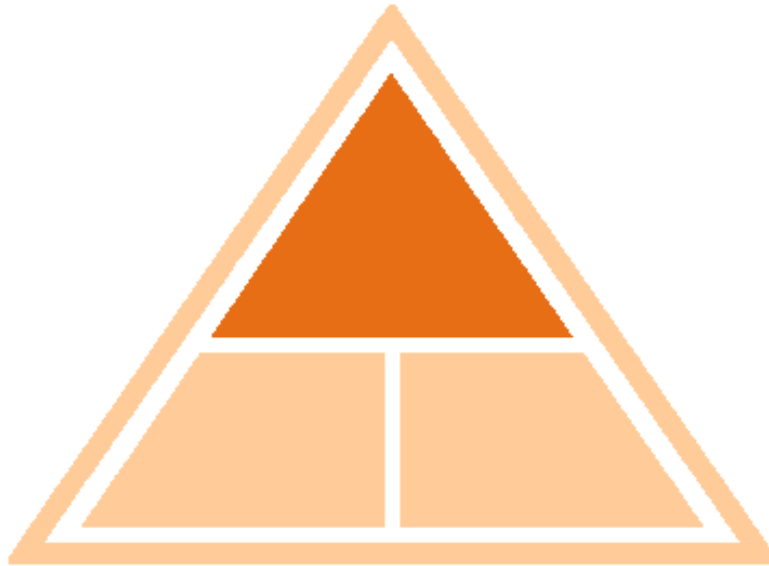


| | WORK DONE BY CAFCASS AT EACH TIER | ROLE (IN LEGISLATION) FOR CAFCASS OFFICER |
|---|--|---|
| Tier 4 – Acute / restorative Children at risk of significant harm (multi-agency risk management) | <ul style="list-style-type: none"> • Public law work • Some section 7 report work in liaison with the Local Authority • Some Rule 9.5 representation of children | ⇒ Children's Guardian ⇒ Children and Family Reporter |
| Tier 3 – Complex Children whose lives are severely disrupted by family breakdown (multi-agency response –support/assessment & specialist services) | <ul style="list-style-type: none"> • Casework under the section 7 'report writing' provision with children (Children and Family Reporter role) • Rule 9.5 representation of children • Public law representation of children currently subject to Care Orders (e.g. S34 contact applications) • Adoption work • Family Assistance Order | ⇒ Children and Family Reporter ⇒ Guardian ad litem ⇒ Children's Guardian |
| Tier 2 – Vulnerable Children vulnerable as a result of family breakdown (single agency service – provide positive support for vulnerable children, young people and their families) | <ul style="list-style-type: none"> • Initial intervention schemes with Section 8 applications in the family courts, which involves screening for possible harm issues. • Information to children about the family court process. | ⇒ Not identified – the work falls to Cafcass generally rather than to a specified practitioner role ⇒ Family support: signposting support services; Advice |
| Tier 1 – Universal Services for all children Including children who experience family breakdown | <ul style="list-style-type: none"> • Cafcass not usually involved at this stage, although it may be possible to do so in the future. For example, through the provision of information to schools about children's experience of family breakdown or adoption • Work with other 'children's rights organisations' | ⇒ Not identified – this work would fall within Cafcass' support role |



Diversity

- 1.25 Issues of diversity apply throughout the Safeguarding Framework. Cafcass has in place equality and diversity policies for staff and service users, in addition to the diversity monitoring strategy. These documents emphasize the importance for Cafcass, of valuing the rich diversity of our children and their families. This commitment includes vigilance about the risks of institutional racism as highlighted by the Stephen Lawrence Inquiry. This commitment is core to meeting Cafcass' aim of safeguarding and promoting the welfare of all the children with whom we work.
- 1.26 Cafcass is developing a body of good practice guidance, relating to diversity issues. This will be found on the Diversity section of the Intranet and provides an important link for some key safeguarding issues.
- 1.27 A general approach to all issues of diversity was offered by Lord Laming, in his report following the death of Victoria Climbié:
- 'I do not consider that they (the social workers) should simply serve as the passive recipients of information, unquestioningly accepting all that they are told by the carers of children about whom there are concerns. The concept of "respectful uncertainty" should lie at the heart of the relationship between social worker and the family'* (Victoria Climbié Inquiry Report 2003, para 6.602)
- 1.28 Key questions for working with children with disabilities are included at section V of the resources pack.



2 Safeguarding Children and Families

Every day matters because, for most children referred to Cafcass, there is no time to lose. Whoever makes it, the application to court will usually come at a time when a child is going through a painful and troubled time and transition, rarely of her or his choosing.

- *Every Day Matters* Cafcass (2005)

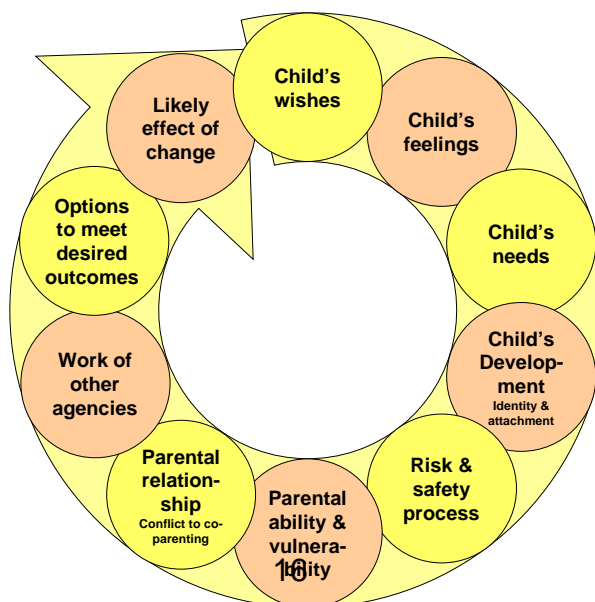
Rather than focusing on new techniques, structures or processes which will enable professionals to be more child-focused, or on new regulations to improve quality, we believe that efforts should be focused on three related principles, which will not only improve practice but will result in children being better protected and professionals having more satisfactory working lives. The three principles are trust, authority and negotiation.

(‘The Risk Factor: making the child protection system work for children.’ A Cooper, R Hetherington, I Katz, Demos 2003)



Introduction: Keeping children safe through analysis & intervention

- 2.1 Cafcass has developed National Standards for our work, supported by case pathways, and is developing the Analysis and Intervention Model. Once fully developed the Analysis and Intervention Model (AIM) will provide the basic structure for development of evidence-based practice guidance for each of ten areas of analysis.
- 2.2 The ten areas are based on the Welfare Checklist and the Every Child Matters outcomes, with two additional points added because of their importance in public and private law. The areas are: child's wishes; child's feelings; child's needs; child's development; risk & safety process; parental abilities and vulnerabilities; parental relationship – from conflict to co-parenting; work of other agencies; options to meet desired outcomes; likely effect of change. These areas are described diagrammatically, below.
- 2.3 The child's views and diversity issues thread through each of these areas.
- 2.4 Consideration of each of these areas will be applied by Cafcass practitioners at each stage of all cases, in accordance with the needs of each child. The model presents the areas as interlocking because no single area can be considered in isolation from the others.
- 2.5 This section (2) of the Safeguarding Framework focuses on the 'safety processes' element of the AIM model. This work will at all times be placed within the wider context of analysis and intervention for each case.
- 2.6 As a safeguarding agency, Cafcass needs to be as sure as we can be that children are safe within their current living arrangements, and will continue to be safe in any proposals for change to those arrangements. This is only a first step in a range of complex processes undertaken by Cafcass staff, in the overall task of safeguarding and promoting the welfare of children with whom we work. 'Being safe' is the start of a process not the end of the story.





Case terminology

- 2.7 There are several stages in the life of any Cafcass case. The terminology can be complex, so the following section aims to set out the basis of the Cafcass responsibility with a case at each stage.
- 2.8 *Open* cases are defined as cases that have been referred to Cafcass by the Court. They include cases referred to Cafcass for work at the early intervention stage in private law.
- 2.9 Cases become *allocated* upon the identification of a named practitioner.
- 2.10 In public law, the case is *closed* after the final hearing. In private law, the case is deemed *complete* once the report has been submitted to the Court, this is commonly termed 'report filed'. In reality, there may be a considerable delay between the date the report is filed at court and the date of any final hearing or withdrawal. During that period, the Cafcass practitioner will not normally do additional work without further direction from the Court. S/he retains the responsibility of responding appropriately to any new child welfare concerns including communicating with, and seeking guidance from, the Court as appropriate.
- 2.11 The case is formally *closed* after the final hearing or withdrawal. Following closure, any received child welfare concerns will be dealt with by the Service Manager.
- 2.12 Where information is requested from Cafcass by a third party in respect of child welfare concerns in any case, whether open or closed, the request will be responded to in compliance with the information sharing section of this Framework (section 3).



Analysis: procedures for screening, risk identification, safety assessment and the common assessment framework

- 2.13 The Children & Adoption Act (2006) places a duty upon Cafcass to assess risk. Cafcass will do this within each case through a 3-stage process for identifying the presence of risk factors, and for responding to those factors: screening; risk identification; and safety assessment (see diagram at page 24).
- 2.14 Risk factors include any factor within the family or child, which may cause harm, or raise the risk of causing harm, to the child. Because of current knowledge about ‘cross-over’ between all types of harm and the various risk factors, no special link can be made between specific risk factors and any one type of harm. For example, domestic violence can lead to emotional harm and also to direct physical harm; research indicates that it is also highly prevalent within families where neglect and sexual abuse is identified. The following list of risk factors is not exclusive and care must always be taken to be alert to other factors of risk (see ‘Key elements of safety assessments’, below):
- previous harm to children
 - domestic violence (indicate any escalation)
 - jealous / possessive behaviour by adult in relation to partner or child/ren
 - post-separation violence
 - violence linked with contact
 - threats / fears of child abduction
 - other violence, including possession of offensive weapons
 - parental mental health /learning difficulties
 - previous suicide attempts / threats of suicide (child or adult)
 - drug or alcohol abuse
 - presence of a person within the family / household who represents a risk to children (see appendix II)
 - the existence of acute family stress – (e.g. from a high-conflict relationship breakdown or from social exclusion factors)
 - any ‘special’ features of the child which may increase risk (e.g. disability; not being a child of the family; behavioural difficulties)
 - any specific cultural factors e.g. risk of forced marriage
 - (public law) child placed with parent/s during care proceedings especially when this is not the Local Authority care plan recommendation
 - private fostering / family placement that has not been assessed

Screening

- 2.15 *Screening* is the process of gathering together relevant information in relation to all children and relevant adults with whom Cafcass works. This process leads to a check of whether any factors that give rise for concern



about the well-being or safety of the child or relevant adult family member are present. A relevant adult is defined at 3.73 (below).

- 2.16 In private *law* cases the President's Private Law Programme requires the family courts to send Cafcass copies of all section 8 applications. Cafcass will screen these applications to ensure that potential risks are identified wherever possible (as detailed below). All parties are made aware of this process through information provided by the court.
- 2.17 The screening in *private law applications* will be based on a request for information from the sources listed below. It may be necessary to repeat the process at a later stage if an adult has been known by more than one name, or if an adult has had more than one address over the last five years and the information was not known at the time of the initial check.
- 2.18 In all private law applications there will be screening of:
- Cafcass' previous knowledge of the child and family. The implementation of the national Case Management System allows this information to be accessed across the country;
 - information contained in the forms sent to court in relation to an application for any Section 8 (private law) order: C1 (applicant), C7(respondent) or C1A (appendix form for either the C1 or C7 form, which is to be completed where the main form identifies issues of risk for the child);
 - any information provided by the court about any previous or current relevant court proceedings;
 - whether the child is on the Child Protection Register or is subject of a Child Protection Plan¹;
 - Local Authority previous knowledge of the child and family. ContactPoint (the children's information sharing index) will allow for recent information to be accessed across the country;
- 2.19 In addition to the screening in 2.18 (above) a police check, including criminal records, domestic violence incidents, any MAPPA/MARAC information and any other relevant information held by the police will be made in:
- any application where issues are raised as to risk of harm to the child (via the harm 'tick box' or any other information).
 - any further work requested by the court on welfare grounds, including a request for a section 7 report or a Family Assistance Order (welfare is set out at para 1.5 of this document);
 - any application where in the professional judgement of a Cafcass officer any issue arises which suggests there is a potential risk of harm to a child, and the interests of the child concerned require the check to be made. Criteria to base this judgement on in each individual case may include information about:

¹ As stated in *Working Together to Safeguard Children* (2006), the requirement to a child protection register have in place is to be replaced by the requirement that a child be the subject of a child protection plan as of 1st April 2008



- the nature of any dispute over contact and residence
- high-conflict relationship breakdown
- distress in the child
- any other risk factors (see 2.14)

2.20 Unless any of the factors in 2.19 (above) are present, a police check will not be made for:

- Applications for specific issue or prohibited steps orders
- Parental responsibility applications that are not linked with other issues
- Any application under the inherent jurisdiction (the High Court's power to make any order or determine any issue in respect of a child, including wardship proceedings, where it would be just and equitable to do so unless restricted by legislation or case law)

2.21 In *public law* cases, the Children's Guardian will ask the Local Authority to confirm the information detailed above has already been provided, apart from the information available internally to Cafcass. Where this is not the case, the Children's Guardian will request the local authority to ensure that this information is available for the court.

2.22 The Information Sharing procedure (see section 3.69) states:

- In some cases, the court may request the assistance of Cafcass, when it is not possible to do the checks first (emergency applications) or when the information has not yet been obtained. Every effort should be made to limit these instances, because of the importance of screening situations for factors of risk. When Cafcass does work in a family situation without the benefit of this screening information, then the court should be made aware of this in writing and a record kept by Cafcass of what happened and why.

2.23 The local Service Manager will establish a system to manage the screening process. The Service Manager, or the practitioner where a case has been allocated, will review the results when they are received.

2.24 At this stage, or at any later stage in the life of a case, where any information, either from these sources or elsewhere, indicates a concern, (but the concern is not at a level to require the immediate referral to the LACSC) then *in private law* the Cafcass manager or practitioner working in the case will advise the court of the need to implement a more detailed safety assessment (see below) before decisions relating to the child can be made safely. In *public law*, the Children's Guardian will need to ascertain that such an assessment has been undertaken by the Local Authority and if not, take steps to ensure that this work is done by the responsible LACSC.

2.25 Screening is an important part of risk assessment, however, it is *not* an adequate risk & safety assessment tool in isolation from other assessment – see below for more detail.



Risk identification

- 2.26 Following on from screening, *risk identification* describes a structured approach, based on initial meetings with the adult parties and (usually) the child, to describing any risk factors which are present, assessing the likelihood of harm and making an initial analysis about what needs to happen to reduce and/or manage the risk.
- 2.27 The risk identification form is provided in the resources pack.
- 2.28 Within Cafcass *in private law*, risk identification will take place before the completion of the 1st court hearing as part of the initial intervention stage. In *public law*, the Children's Guardian or duty Guardian will complete the risk identification forms as part of the development of the case plan at the initial stage of the case.
- 2.29 In *public law* cases, there should already be at least an initial assessment on the Local Authority (LACSC) file. There will often in addition be a common assessment (CAF) provided by the original referring agency, and a core assessment undertaken prior to the care order application by the LA children's social care. The Children's Guardian will check the case file to ensure that the elements of the Cafcass risk identification are covered within these various assessments. Where information is missing, the Children's Guardian should notify the Local Authority and the court.
- 2.30 A copy of the completed risk identification form must be kept on file. Where risks are judged to be 'high' or 'imminent', a discussion should immediately be held with the Service Manager, as for a child protection concern identified in any other way (see child welfare (protection) procedure, later in this section).

Safety assessment

- 2.31 *Safety Assessment* is a more detailed process, over a lengthier period of time, during which there is an analysis of the factors causing concern; the current and potential involvement of various relevant agencies; and developing a long-term plan for the reduction /management of risk.
- 2.32 All the factors identified as relevant for risk identification are relevant at the stage of a full safety assessment. The difference rests in the degree of detail that is possible within the fuller assessment. Within Cafcass this will be part of casework, following the initial intervention stage, as ordered by the court usually through the making of an order for a section 7 report; a rule 9.5 representation of the child party; or (less typically) a Family Assistance Order.
- 2.33 This work is sometimes undertaken by Cafcass and sometimes by an independent expert appointed by the court. The key elements in the table "Key elements for Cafcass safety assessments" should be present in all Cafcass safety assessments.



KEY ELEMENTS FOR CAFCASS SAFETY ASSESSMENTS

- If the screening process has revealed a cause for concern, then wherever possible the relevant professionals (for example health; local authority children's social care; police; education; probation) should be spoken to and file records seen.
- The level of involvement of these other relevant agencies must be identified, along with their own assessments of risk and safety features in the family.
- A chronology of previous contacts and concerns should be prepared, co-ordinating information from all sources.
- Take account of safety issues for staff and other adults, as well as the child.
- Differentiate between risk factors determined by the behaviour and circumstances of the perpetrator, and those determined by the circumstances of the victim.
- Is the child able and confident enough, to give a view about the court application.
- Where there are domestic violence issues, the views of the victim must be ascertained, about the current perceived level of risk and whether this is getting worse.
- The victim's views should also be ascertained about the applications being considered by the court, and the level of support currently being provided.
- Where the perpetrator of any alleged harm is a family member, the alleged perpetrator's views should be ascertained about the harm, about the perceived impact on the victim, and about the applications being considered by the court.
- Where there are domestic violence concerns, there should be a consideration of what needs to change for a perpetrator to be considered safe (see for example the Sturge and Glaser report outline which can be found on the Cafcass Intranet).
- The assessment must always cover issues about the safety of others who are important to the child, especially adult and child family members. This is a core part of the child's own assessment.
- Identify the specific factors which are making matters better or worse.
- Identify the impact of race, culture, language and communication, or any other diversity factors.
- Identify in detail what would make matters safer, and what would increase the risk .
- Plan ahead: What needs to happen at home for this child to be safe?
- What needs to happen at court for the safety plan to be effective?
- Look to the longer term future – are there risks to the child's safety that may need a child welfare (protection) referral? (Remember, for example, that almost all prisoners come out....)
- Use the CAF form to identify needs beyond immediate safety issues.



The Common Assessment Framework (CAF)

- 2.34 The CAF is a mechanism for use by all children's agencies when there is concern that a child may not progress towards the five Every Child Matters outcomes without additional services.
- 2.35 The Government plan is that the current form will be updated, based on feedback. All local authority areas are expected to implement the CAF between April 2006 and the end of 2008. More information can be found on www.everychildmatters.gov.uk The CAF is provided within this Framework in the resources pack.
- 2.36 In *private law applications*, the CAF is available as an assessment tool. It will be a requirement where the Cafcass practitioner has identified a need to refer the child or family to another agency, including LACSC, for services. For *public law cases*, the form will usually have been completed at an earlier stage by a referring agency. The Children's Guardian should review any form as part of the analysis in the case but it is not expected that a CAF would be completed by Cafcass for children within public law proceedings.
- 2.37 The consent of the child and family should generally be obtained before completing a CAF (see 2.63-2.65 for more detail).

Responding to risk in private law cases

(In public law cases all these processes should be demonstrated in the LACSC work.
Where this is not evidenced, the Children's Guardian has the responsibility to raise this with the court)

| | Screening | Risk Identification | Safety Assessment |
|--|--|---|--|
| Inputs | <ul style="list-style-type: none"> -Internal checks (CMS) -Case documentation -External checks as outlined at 2.18-2.19 | As for screening, plus: <ul style="list-style-type: none"> -Information from child and/or parties -Interagency information -Case file records | Information from screening & risk identification, plus: <ul style="list-style-type: none"> -Interagency input -Information from child & family members -Key elements (see p.22) |
| Outputs | <ul style="list-style-type: none"> -Records of checks made -Records of information received from check -Record of any interviews -Record of any interventions (see below) -Risk prioritisation (in CMS) | As for screening, plus: <ul style="list-style-type: none"> -Completed Risk ID form -Information from Risk ID used to inform the initial Case Plan | <ul style="list-style-type: none"> -Record of information from other agencies on file -Record of work with child and family -Other tools completed as relevant & as agreed with family -Copies of referrals for services on file -Completed CAF form including action points (safety planning & provision of services) -Written plan for monitoring action points identifying who is responsible |
| Outcomes | <ul style="list-style-type: none"> -Practitioner * is satisfied that all relevant checks have been made -Practitioner * is <i>satisfied or not satisfied</i> that all welfare concerns are recorded -Practitioner * is satisfied that <i>there are / are not</i> grounds for intervention <p>* (or SM where case unallocated)</p> | <ul style="list-style-type: none"> -Health & safety assessment identifies any risk to worker -Staff and users work together in a in safe environment - Practitioner* is <i>satisfied or not satisfied</i> that all welfare concerns are recorded -Practitioner* is satisfied that <i>there are / are not</i> grounds for intervention | <ul style="list-style-type: none"> -Referrals for services including welfare (protection) referrals made -CAF action plan (including safety plan and the provision of services) in place, including monitoring arrangements -Practitioner* is satisfied that <i>there are / are not</i> grounds for intervention |
| Range of possible interventions | Range of possible actions include: <ul style="list-style-type: none"> -Section 120 notification made to LACSC (see para 2.79) -Welfare (protection) referral made to LACSC (see para 2.61ff) -Court is informed of outcomes of screening & any interventions | As for screening, plus: <ul style="list-style-type: none"> -Health & safety action plan (risks to worker) ²⁴ | <ul style="list-style-type: none"> -Actions to safeguard & promote welfare of the child & adult family members based on the safety assessment -Report to the court |



Intervention: Direct work with children

Principles in working with children

2.38 Working Together to Safeguard Children (2006: 5.3-4) identifies the following principles in working with children, which Cafcass adopts:

- Child centred
- Rooted in child development
- Focused on outcomes for children
- Holistic in approach
- Ensuring equality of opportunity
- Involving of children and families
- Building on strengths as well as identifying difficulties
- Multi/Inter-agency in approach
- A continuing process not an event
- Informed by evidence
- Providing and reviewing services (in accordance with Cafcass's role and responsibilities)

2.39 The importance of hearing the voice of the child is enshrined in the Welfare Checklist (Children Act 1989) and the enhanced Welfare Checklist for children in adoption proceedings (Adoption and Children Act, 2002). In all direct work with children, Cafcass staff will ensure that basic safeguards are in place. Children need to be safe, feel safe and trust the worker.

Working with Children

2.40 In direct work with children, care will always be taken to address the specific situation of the individual child. Thought will be given to issues such as language, culture and disability. (See also the Needs, Wishes and Feelings pack, available from April 2007).

2.41 Feedback from young people on this Framework reminded Cafcass of the need to get the basics right in every meeting with children. Comments included:

- Be friendly
- Make the young person feel at home (even if simply by offering him/her a drink)
- Use play as a way of setting the scene and as a communication vehicle
- Do not pressure the child into talking
- Tell the child what the consequences of talking to a Cafcass worker might be



- 2.42 In the development of the Needs, Wishes and Feelings work, over 200 young people worked with the Children's Rights Team to tell Cafcass what they felt the key qualities they wish to see in their practitioners were. Children expressed the importance of being valued and felt this could be demonstrated through practitioners taking time to explain to them what is happening and why. Being listened to and being respected for their views was also a key factor in being acknowledged as a player within the court process. The opportunity to talk to all the people they think are important in making the decisions was also a key consideration.
- 2.43 In any family proceedings application, the Cafcass practitioner should pay particular attention to the wishes and feelings of the child. Where communication is difficult for any reason the Cafcass practitioner will find appropriate ways to overcome these potential barriers.
- 2.44 The Cafcass practitioner must ensure that older children and young people, are given the opportunity to comment about whether the court should appoint medical or other experts to conduct assessments about them.
- 2.45 The Cafcass practitioner, in both public and private law cases, will always be very careful to explain to the child the limits on confidentiality of anything that they choose to say.
- 2.46 The practitioner will also need to be careful to manage the child's expectations about the process and possible outcomes. In relation to their own direct work Cafcass staff should never promise what they can't deliver and always deliver what they promise.
- 2.47 Any interview with a child will have a clearly defined purpose, consistent with the case plan for the particular case. The case file should always record:
- where the child was seen
 - who was there
 - for what purpose
 - what was done to provide a supportive environment
 - what happened
 - the reasons for the actions
 - the impact on the child
 - outcomes
 - what feedback was given to the child's carer;
 - and what is planned for the future.
- 2.48 Cafcass works with children and families at times of crisis, vulnerability, change and loss. The content of our work can cause distress for children. It is the responsibility of the individual worker to respond to this appropriately – sometimes taking the decision to end a meeting or to cancel a proposed contact.
- 2.49 At others times, a worker may need to encourage a child to do something that causes initial anxiety – for example in meeting up with a non-resident parent after a period of no contact. There is a fine distinction



to be made, between professional support and encouragement for a child to overcome a difficult hurdle and the allegation, which is sometimes made by the resident parent in the form of a complaint, that the worker applied too much pressure. The case record must contain sufficient information to enable such distinctions to be made.

Working with children safely in public law cases

- 2.50 In public law applications, the court intervention is a short but crucial phase in the life of the child. The role of the Children's Guardian is to represent the child's best interests and, through the appropriate participation of the child, wherever possible ensure that they have a voice in the decision-making process.
- 2.51 The Children's Guardian should make a priority of making an introductory visit to the child in his or her current home and record on the case plan the detailed proposals for future work with the child.
- 2.52 There are statutory regulations to safeguard the welfare of children who are looked after in public care. The Children's Guardian should be mindful to ascertain the correct application of these regulations by the Local Authority Children's Social Care in all cases – especially the placement with parent, and foster care, regulations.
- 2.53 Children and young people are particularly anxious about the detail and timing of placement decisions, and contact – with whom, and how often. Both these elements should be clear within both the LAC care plan and the court-approved care plan.
- 2.54 Since 2004, the role of the Independent Reviewing Officer (IRO) has been to oversee the implementation of the care plans with children in the looked-after system, which includes children on Care Orders even where they are placed at home. These regulations cover all looked after children.
- 2.55 When the child is Looked After, the Children's Guardian will liaise with the IRO during court proceedings. Following the final hearing it is particularly important that the insight and commitment of the Children's Guardian within court proceedings gets handed on to the IRO for their role post-court. One effective mechanism is for the Children's Guardian to liaise with the IRO following the final hearing. This can involve older children or young people in a meeting, so that there is clarity about future planning, timescales, and what the child can do if matters drift or they have other anxieties. It will be important that this is part of the closing of the case by the Children's Guardian, rather than a drift into extended involvement.
- 2.56 Section 118 Adoption & Children Act 2002 made provision for an IRO to refer a case to Cafcass to take legal action as a last resort, where it appears that a child's human rights may have been breached through failure to implement a care plan. A legal advice note is available on the Intranet under the title "IRO Referrals".



- 2.57 Secure Accommodation applications (Section 25, Children Act 1989). The number of these applications has reduced significantly, and any Children's Guardian appointed to a case will need to take particular care to be up-to-date on relevant issues. The Secure Accommodation Network provides a useful website with current information about placement provision and other issues: www.secureaccommodation.net

Intervention: Domestic Violence

- 2.58 The Domestic Violence policy and toolkit was implemented from October 2005. The policy section is now replaced with this section of the Framework, which sets out the same expectations (below). The toolkit forms an integral part of Cafcass's Safeguarding Framework, but remains a stand-alone document. The toolkit, which has relevance for children in many situations of risk, not just domestic violence, is found on the Cafcass Intranet.
- 2.59 The risk of harm to children from domestic violence is not a discrete category, separate from other forms of child welfare concern. Research is increasingly reporting a significant 'cross-over' of concerns:

- *Domestic violence is an important indicator of risk to children*
- *A wide range of studies have indicated that children are likely to be at risk of actual physical, sexual and/or emotional abuse from perpetrators of domestic violence*
- *Domestic violence is often a significant and consistent feature, no matter what form of abuse a child is deemed to have suffered, whether physical, sexual or emotional abuse.*
- *In order to develop professional understanding of and practice in relation to child abuse, we need to recognise that children often experience a mixture of physical, sexual and / or emotional abuse, and that focussing on only one aspect of these different forms of abuse can therefore be false. Similarly, where there is domestic violence, and child abuse, we need to examine the whole picture.*

- Extract from Hester, M., Pearson, M. & Harwin, N. with Abrahams, H. (2006) 'Making an Impact'

- 2.60 Domestic violence is a major issue for many of the children and families with whom Cafcass works, in both public and private law. In all cases Cafcass practitioners will:

- comply with the guidance set out by the Children Act Sub-Committee (CASC) [Guidelines for Good Practice on Parental Contact in Cases of Domestic Violence](#);
- identify, promote and protect the best interests of children who have lived or are living in a situation of domestic violence;



- routinely be alert to the possibility of domestic violence in all private and public law family proceedings, even when it has not been alleged;
- screen for issues of domestic violence and conduct an appropriate and proportionate risk assessment (see 2.13, above);
- ensure that allegations of domestic violence are taken seriously and receive an appropriate and proportionate response;
- provide a service that recognises the difference and uniqueness of all families and their individual circumstances. Cafcass recognises that children and adults from ethnic minority groups who have experienced domestic violence can also face additional barriers of racism and cultural misunderstandings in their attempts to access support and advice. Similarly, children and parents in a same sex relationship in which domestic violence is a feature can also encounter difficulties of prejudice and misunderstanding from agencies. A disabled child and/or parent may also face barriers associated with disability when seeking help;
- ensure that all service users are treated fairly and with respect;
- in private law cases the process set out (later in this section, at 2.79) on the implications of Section 120 of the Adoption and Children Act (2002) will be followed;
- in cases where the professional assessment concludes that the allegations of domestic violence could present a continuing risk of harm from a violent parent, a referral to the local authority should be made in accordance with the Child welfare (protection) procedure (later in this section);
- if the allegations of domestic violence are such that a child could be in imminent danger from a violent parent, the immediate and urgent priority is to secure the safety of the child.

At the initial stage of all cases:

- attention should be given to any indication on papers from the court, parties or solicitors that the address of one party should not be disclosed;
- parents should be routinely asked about domestic violence separately. In private law, this will be in privacy at the first meeting or interview. In public law, it will be in the early stage of the case but may not be at the first meeting.

At any stage in the case:

- if there are concerns regarding interim orders or arrangements that appear to place a child and/or parent at risk, more time will be requested from the court to assess the risk, or matters be referred back to court for further directions and/or consideration of whether a finding of fact hearing is necessary;
- if enquiries about domestic violence indicate that it may be a feature, Cafcass work will be structured so as to protect children, families and staff. Careful thought needs to be given to the safety of bringing family members together and appropriate arrangements made. Cafcass holds all personal information in confidence. In all cases where domestic violence is alleged, additional care will be



taken to ensure that no information is disclosed that could prove dangerous to the adult victim or children;

- dealing with potentially violent people in difficult situations is a complex process. The good practice guidance on safety planning which is included in the domestic violence toolkit (at 5.3) outlines some preventative measures. However, if despite good safety planning, a potentially aggressive or violent situation develops all possible steps should be taken to reduce tension and the Health and Safety Policy followed. All practitioners must familiarise themselves with local practice in relation to personal safety;
- practitioners will continually assess potential risk arising from domestic violence throughout family proceedings and work closely with other agencies, particularly the police and the local authority, to ensure appropriate and proportionate enquiries about families are carried out to inform the assessment;
- where the assessment indicates ongoing issues of risk, then practitioners should discuss safety issues with the child and parents to ensure that they are able to make safety plans for future arrangements (for example arrange for someone other than the parent to drop off or pick up a child from a contact visit);
- the provision of supervised contact centres is limited around the country. In spite of this, at no time should a Cafcass worker ever refer a family to a supported centre when the level of risk indicates the need for a supervised provision;
- practitioners should also make sure a vulnerable child or parent is made aware of and able to access appropriate local support services and when safety concerns are a feature notify LACSC that our involvement with the children or family has ended.



Intervention: Referrals for services

2.61 Professionals in all agencies have a duty to refer a child to LACSC when it is believed or suspected that the child

- (a) either is currently suffering, or is likely to suffer significant harm (S47 Children Act 1989);
- (b) has developmental and welfare needs which are likely only to be met through provision of family support services (S17 Children Act 1989).

2.62 This is in addition to:

- (c) referring a child and family to any other agency, in order to promote their welfare in relation to Every Child Matters, through use of the common assessment framework.

2.63 The importance of keeping the child and family informed, and of obtaining their consent, applies to all three types of referral. There are significant differences:

- (a) For a 'S47 child welfare (protection)' referral, consent is not required from the court or by the child or parent/s, but the child and parent/s should be kept informed unless there are specific reasons not to do so. The court should always be kept informed of actions taken. This is covered in greater detail in the 'Child Welfare (Protection) Procedure'.
- (b) For a 's17 needs' referral, consent of the child, parent/s and the court is required. In situations where the child or parents are not in agreement then consideration needs to be given to whether the circumstances require a 'S47' referral, because failure to secure relevant services for the child may lead to possible significant harm.
- (c) For a 'promoting welfare' referral within court proceedings, consent of the child, parent/s and the court is required.

2.64 For all three levels (a, b and c) of referral, the mechanism for providing information should be an initial telephone contact followed by the CAF form with relevant covering letter. There is space on the CAF form to indicate what contribution has been made to the process by the child and by the parent/s, and whether the referral is with consent.

2.65 A covering letter should be provided making it clear for LACSC or any other agency, the level of concern and the nature of the referral. Three standard letters for (a), (b) and (c) are provided in the resource section. In some circumstances, the details on the CAF form will be limited to the information available at the screening stage. This should not delay an urgent referral. The covering letter and CAF form should explain the context, including in some cases why the referral is being made before full information is available.



Child Welfare (Protection) procedure

2.66 This Child Welfare (Protection) section of the Safeguarding Framework replaces the child protection procedures 2004 and the section 120 procedure 2005. These Child Welfare (Protection) procedures apply to all Cafcass cases, regardless of what stage they are at.

2.67 This procedure relates to situations where there are concerns that the child either has suffered, is currently suffering or may in the future be at risk of suffering significant harm. Where significant harm is identified or suspected then a referral to Children's Social Care must be made in accordance with this procedure. This applies at all stages of all types of Cafcass case.

Definitions of harm in Working Together (2006)

***Harm:** ill-treatment or impairment of health or development, usually through physical, sexual or emotional abuse (including witnessing family violence) or neglect. The direct impact on the child can be hard to assess, since the constant experience of seemingly 'low-level' harm may be more damaging than a more serious but 'one-off' event.*

***Significant Harm:** there are no absolute criteria to rely on when judging what constitutes the threshold for 'significant harm'. Section 31(10) of the Children Act 1989 states that where the question of whether harm suffered by a child is significant turns on the child's health or development, the child's health or development shall be compared with that which could reasonably be expected of a similar child. 'Significant' has been defined by the court as considerable, noteworthy, or important. It is important to remember that some children may be more vulnerable than others and therefore it is important to concentrate on the effect of harm on the particular child rather than the actions that may have caused the harm. Significant harm may also be considered from a cultural, racial or social perspective and therefore harm that may be significant in some circumstances may not be significant in others. It is a matter for the court to decide on the balance of probabilities, in the matter before the court, whether the harm is significant harm.*

Further guidance is provided in Working Together to Safeguard Children 2006, section 1.23-33.

About the Child Welfare (Protection) procedure

2.68 Cafcass participates in arrangements for the protection of children's welfare through its membership of the Local Safeguarding Children Boards (LSCBs) throughout England and Wales .



- 2.69 The Cafcass Child Welfare (Protection) procedure must be used in conjunction with the relevant local LSCB multi-agency procedures. These local procedures provide guidance to all agencies working together to protect children from harm.
- 2.70 In Cafcass, all Service Managers and practitioners should be familiar with Working Together (2006) and with the local LSCB procedures, which will provide specific details of how the processes outlined in this Cafcass Child Welfare (Protection) procedure will be applied locally.
- 2.71 Printed copies of the relevant local LSCB procedures must be available in all Cafcass offices.
- 2.72 The following procedure outlines the actions to be taken. It is important to recognise that these actions should be considered as a whole, and not necessarily as sequential.

Consideration of harm in all cases

- 2.73 All practitioners should be mindful of the signs and symptoms of harm in all their cases. The consideration of risks of harm to a child should be an integral part of the practitioner's role throughout the period of contact with the child, with a view to the identification of *new, unreported or unresolved* issues of possible significant harm.
- 2.74 The role of the Cafcass practitioner is to ensure that their concerns are referred to the appropriate agency, not to conduct an investigation themselves.
- 2.75 The Cafcass practitioner must ensure that full information is available in the child's file, including the outcomes of any inter-agency checks.
- 2.76 Practitioners will sometimes have contact with children who are not subject to the proceedings. Any emerging child welfare concerns about these children must be dealt with according to these procedures.
- 2.77 In *public law cases*, the question of significant harm is at the core of the case. These procedures are not written for use in every public law case. They should be used for issues that are *new*, rather than issues that are already integral to the court proceedings. This differentiation can be difficult, when the Children's Guardian receives information about past harm, which is integral to the matters before the court. Where the information relates closely to the type of concerns already being considered, the information should be shared within the proceedings as appropriate. Where it relates to an entirely new allegation or type of concern (for example, an allegation of sexual abuse by a previously uninvolved adult, in a case previously focussing on neglect issues), then the most appropriate route will be through a child protection referral. The Children's Guardian will need to take care to differentiate appropriately, in consultation with the Service Manager, and to keep a comprehensive file record.
- 2.78 From January 2005 the legal definition of harm to children was extended to include the harm children suffer witnessing the ill treatment of another. This amendment, Section 120 of the Adoption and Children Act



2002, was in response to evidence that children can suffer serious long term damage through living in a household where domestic violence and abuse is taking place. The section 120 extension of the definition has had important implications for Cafcass's work.

2.79 In *private law work*, all information about possible significant harm to a child, even when the alleged incident was in the past, should be considered within the remit of this Child Welfare (Protection) procedure with a view to referral. The only exception relates to allegations of past harm arising from witnessing harm to others (section 120 Adoption and Children Act) and where there is insufficient information to indicate that the child remains at risk. In such a situation a *notification* should be made to the local authority rather than a *referral* (the section 120 notification form in the resource pack can be used for this purpose). This is because in many Cafcass private law cases, family separation has changed the context within which the previous harm allegedly occurred. (See the section 120 pathway in the appendix). This process enables the LA to add the Cafcass information to any other information they may hold about the family, but does not automatically trigger an investigation.

2.80 In *private law cases*, in addition to the elements of risk identified for all children the Cafcass practitioner will also need to reach a view about the impact of the family dispute on the child. Use of the Cafcass Risk Identification form (see the resources pack) and the CAF provides the structure for this process. Where the cumulative picture suggests that the child either was, is or is likely to be suffering significant harm then a referral should be made. Identifying the threshold is a process that relies on skilled professional judgement within the context of this Framework, Working Together and any local LSCB guidance.

Communication with Service Manager

2.81 Where there are concerns about possible significant harm in relation to a child, all practitioners must first discuss this with their Service Manager, except in situations where there is a need to take urgent action to secure the immediate safety of the child. If the manager is not available, the concerns should be discussed with another Cafcass manager. This discussion will cover:

- The nature of the concerns, including what the issues are, and the (immediate, recent or previous) level of risk identified;
- where the child is now;
- what the family has been told;
- whether there is a need to make a referral to Local Authority Children's Social Care either because the child and family may be in need of services or because the child is, or may be at risk of suffering significant harm;
- whether there are other children either in the household or known to the family about whom there are concerns and a possible need for referral;
- whether there is a need to seek the views of any parties to the proceedings before making a referral;
- how and when the Court should be notified of a referral;



- who will take any necessary action and within what timescale;
 - what information should be shared with the child and family; and
 - the implications for future work with the child and family (see below on involving parents regarding referral to LACSC).
- 2.82 An agreed record of the discussion should be kept on the case file.
- 2.83 In any situation when the practitioner has made a referral of possible significant harm to Local Authority Children's Social Care without prior consultation with his/her Service Manager, the practitioner must inform the Service Manager as soon as possible.
- 2.84 If any practitioner is uncertain about how to respond to a child protection concern about any child, regardless of where they are placed, advice is available from a Senior Manager and should be sought without delay.

The Child Protection Register

- 2.85 Currently, the practitioner should ensure that the Child Protection Register is checked in relation to the specific concern and enter the outcome of the check on the case file. The new Working Together to Safeguard Children (2006) introduces changes to this system: once implemented, the Local Authority Children's Social Care will instead inform the practitioner whether the child is subject of a child protection plan. Where the child is subject of a plan, then more of the details of the situation should also be available from LACSC.
- 2.86 Where, during the lifetime of an open case, the name of a child with whom Cafcass is working is placed on the Child Protection Register or becomes subject of a child protection plan, then the Cafcass practitioner must inform the Service Manager as soon as possible. This applies to both public and private law cases.

Urgent action to protect a child

- 2.87 If a practitioner in the course of their work encounters a child in a situation where the child is in *imminent* danger, the immediate and urgent priority is to secure the safety of the child:
- If a child is at immediate risk, the practitioner should seek the assistance of the Police. This should be followed by contact with the LACSC;
 - if a child needs emergency medical attention, this should be sought immediately and directly from the emergency services. Parents/carers should be kept fully informed. Once the child has been referred for medical attention, other sections of the procedure should be followed; and
 - if a child has been left alone, the practitioner should act to protect the child. Assistance should be sought where necessary from the police and/or the Local Authority Children's Social Care Emergency Duty



Team. When an urgent referral has been made in this way, the practitioner should agree with the recipient of the referral what information will be given to the child and parents/carers, by whom and when.

Discussion with the child regarding a child welfare (protection) concern

- 2.88 If a concern arises from the practitioner's contact with a child, the degree of discussion entered into with the child will depend on the child's age and understanding. Cafcass is committed to ensuring that children understand concerns: the child's age and level of understanding are relevant in deciding *how* and not *whether* to share concerns.
- 2.89 It may be necessary to ask some questions of the child or parents/carers in order to decide whether suspicion of abuse or neglect is justified. However, it is not the task of the Cafcass practitioner to conduct the formal child welfare (protection) interview with the child. Once the threshold of 'suspicion of significant harm' has been passed, the practitioner should not continue questioning of the child or their parents/carers about what has happened. If the child wants to talk about what happened, the practitioner should listen and make note, but should not encourage further disclosure. The practitioner should explain that the child will need to repeat what has been said to the person who will subsequently be involved. Care must be taken not to compromise any subsequent child protection enquiries or police investigation.
- 2.90 The practitioner must be alert to any information a child or young person offers to clarify the nature of any injury or other form of harm and any information the child provides on whom s/he considers to have been responsible for the harm.
- 2.91 The child should be informed of the intention to make a referral to Local Authority Children's Social Care unless it is considered unsafe to do so. Every effort should be made to ensure the child can comprehend the significance of the referral. The child's views and feelings should be fully considered, but the overriding consideration is the practitioner's responsibility for the child's or any other children's safety. A record should always be kept of the child's views and feelings, and support should be offered to the child when concerns are reported, especially if the child disagrees with the decision to refer.
- 2.92 No false reassurances about confidentiality must be made. Equally, the child should not be led to believe that certain events will or will not take place.

Recording of child welfare (protection) concerns

"The case file is the single most important tool available to social workers and their managers when making decisions as to how best to safeguard the welfare of children under their care. ... Reference to the case file should be made at every stage of the case and before any significant decision is made."

(Victoria Climbié Inquiry Report, 2003 para 6.623)



- 2.93 A detailed record should be made of what the child said, any explanation given by the child, any signs of injury that were observed, and anyone else who was present who could have witnessed any of these.
- 2.94 If the referral to Local Authority Children's Social Care is based on information received from a parent or other third party, the details of the information given should be recorded and the subsequent referral should indicate that the referral is based on reported information in which the Cafcass practitioner is acting as a channel of information.
- 2.95 This record should be made as soon as possible and must be written by the person who was directly involved. It is important to record the time and date that the child welfare concern was identified, and the time and date of actions taken by the practitioner.
- 2.96 If injuries are apparent, the skin map (see the resource pack) may also be used to demonstrate the site of the injuries. This is provided to note the site of visible injuries only. The practitioner must not ask the child to undress to check for injuries.
- 2.97 The recording must be signed and dated by the practitioner, and placed on the child's file.

Involving parents regarding referral to Local Authority Children's Social Care

- 2.98 Practitioners should seek to discuss their concerns with the child, as appropriate to their age and understanding. They should also do this with the child's parents/carers. Exceptions are if the practitioner considers it likely that such a discussion would place the child at risk of significant harm, would risk interference with a police investigation or would place the practitioner at serious personal risk.
- 2.99 It should be recorded whether or not parents have been informed of and agreed to the referral. If in any doubt, the practitioner should consult the Service Manager, who may discuss this issue with Children's Social Care. In difficult cases, the Service Manager or the practitioner could also contact Cafcass Legal.

Referral to Local Authority Children's Social Care

- 2.100 The referral of a child protection (welfare) concern to Local Authority Children's Social Care should normally be made by the person who has first-hand knowledge of the child welfare concern as soon as possible after the concern has been identified. Where a referral is made, it should be made to Local Authority Children's Social Care as required by the local LSCB procedures. A copy of the written information must also be sent to any allocated social worker (see 'Referrals for services' at 2.61 ff above).
- 2.101 In the first instance, the referral to Local Authority Children's Social Care should be made by telephone.



- 2.102 The practitioner should, as far as possible, be prepared to provide the following information, but lack of any element should not delay the referral:
- the exact nature of the concern;
 - any background information available on the child and the family and about any other child about whom there are concerns;
 - accurate information on the child's full name, date of birth, address and telephone number, the names of persons with parental responsibility or other carers;
 - information on the school the child attends, the name of the child's GP, and the name of any Health Visitor, as appropriate;
 - information on the child's religion, language spoken at home, his/her ethnic origin, and any disabilities the child may have;
 - information on any risk identification or assessment already undertaken by Cafcass;
 - information on how much the child knows and the child's view of the referral where relevant;
 - information on how much the parents / carers know and what they were told would happen;
 - information on whether parental permission has been obtained for making the referral; and
 - in private law proceedings, inform the Local Authority Children's Social Care of the existence of the private law proceedings and the stage they have reached. It is legally permissible to send the court papers to the local authority for child protection purposes without prior leave of the court.
- 2.103 The practitioner must keep a record of the telephone conversation. The information given must be confirmed in writing, preferably first by fax, followed up by post to Local Authority Children's Social Care *within one working day*. The information will be in the format of a CAF form and a covering letter (see the resource pack for the standard Cafcass covering letters and the CAF form). These should be utilised unless local LSCB procedures stipulate a different format for local referrals.
- 2.104 If the practitioner has not heard back from Local Authority Children's Social Care within three working days, the practitioner must contact Local Authority Children's Social Care again in writing and request a timescale for response.
- 2.105 The practitioner must make a written record of the decisions taken in the course of any discussion with Local Authority Children's Social Care. Both the referral form and the record of discussions must be placed on the child's case file.
- 2.106 Where a referral is made the court should be informed of the steps taken at the earliest convenient opportunity.
- 2.107 Specific details of the Local Authority Children's Social Care Team to receive the referral will be included in the local LSCB procedures.

- 2.108 In all situations, the practitioner must ensure that the Service Manager receives a copy of the written confirmation of the referral that is sent to Local Authority Children's Social Care, within one working day.



Strategy discussion

- 2.109 If a Cafcass practitioner has made a referral to Local Authority Children's Social Care, s/he may be invited to participate in a strategy discussion. The practitioner's role in the discussion is to ensure that their referral information is fully understood. The Cafcass practitioner's role does not extend to participating in any subsequent decision-making or the Section 47 inquiry.

Unresolved child welfare (protection) concerns

- 2.110 If there is a conflict between agencies in the management of concerns about a child, each LCSB has a dispute resolution policy that should be followed to ensure that the needs of the child remain the paramount concern. Cafcass is able to request a Child Protection Conference or interagency meeting to consider the needs of any child, if it is believed that the child has suffered, is suffering or is likely to suffer significant harm.
- 2.111 At any stage in the course of any proceedings where the Cafcass practitioner is concerned that adequate arrangements have not been made to protect the child, after discussion with their Service Manager and the Local Authority Children's Social Care, the practitioner should report the concern to the Court.
- 2.112 In private law cases, the Cafcass practitioner does not always attend the final hearing. In those cases where there is concern that, should the recommendation not be followed the child could be at risk of suffering significant harm, then the practitioner should attend where possible. In addition s/he should always include in the report the following request – printed in *bold* type:

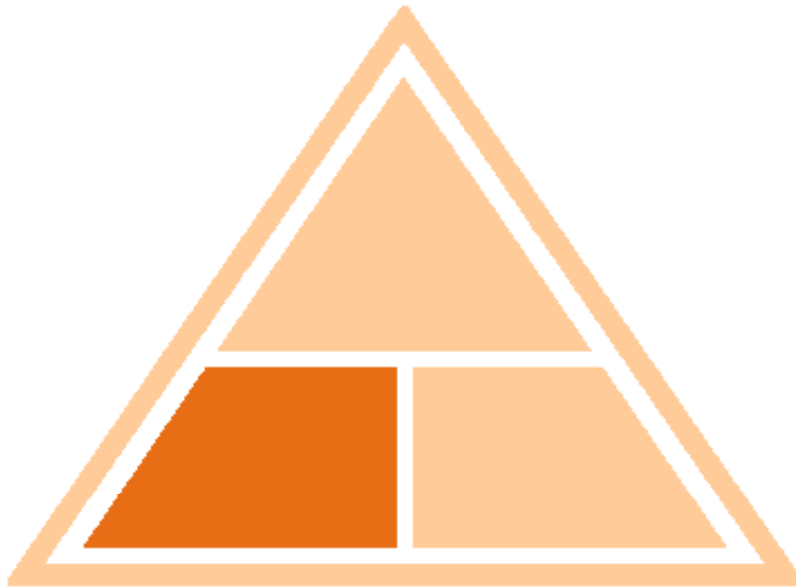
“This report provides the outcome of the Cafcass assessment, that there may be risks of significant harm to [X child] as a result of [...]. If the court is minded not to follow the recommendation, it is requested to consider the Children and Family Reporter's views in person before reaching any decision about an alternative disposal including a disposal reached by agreement. Attached is a schedule of availability for the Children and Family Reporter.”

- 2.113 Cafcass' duty to safeguard children does not end with the provision of a report to the court, or when a case is withdrawn at an earlier stage. When Cafcass is made aware of any outcome which, in the assessment of the Cafcass practitioner or manager, leaves outstanding child welfare (protection) concerns, then a referral to Local Authority Children's Social Care should be made in accordance with this procedure. This could

include, for example, a contact arrangement which the Cafcass practitioner or manager feels poses risks for the child.



2.114 In the same way, should the nature of the disposal of the court case mean that further services will be needed by the child or his/her carer, then in co-operation with the parent, a referral for services should be made as outlined earlier (at 2.61 ff).



3 Safeguarding with other agencies

Cafcass is one of a wide range of organisations whose duties include the safeguarding of children. The way these agencies work together is crucial, if individual children are to be protected from harm and to flourish throughout their childhood. Inter-agency co-operation is essential nationally, for the creation of policy and the allocation of resources, and locally to deliver services to children, young people and their families. The framework for this co-operation is found in 'Working Together to Safeguard Children' (2006).

The working relationships can operate in a variety of ways: by statute; protocol; partnership; grant aid; commissioning; or an ad hoc arrangement to focus on a single issue. Throughout this chapter, the brief description of an arrangement sits alongside a section 'What this means for Cafcass'.

“Whilst it is right to expect parents to discharge their responsibilities, it is not good enough to assume they will do so... the factors that should have caused concern were singly and sometimes collectively known to most of the services that know the family, but their total impact on the children was not thoroughly assessed or communicated between agencies and therefore not acted upon.”

– Re W Serious Case Review (Sheffield LSCB, December 2005)

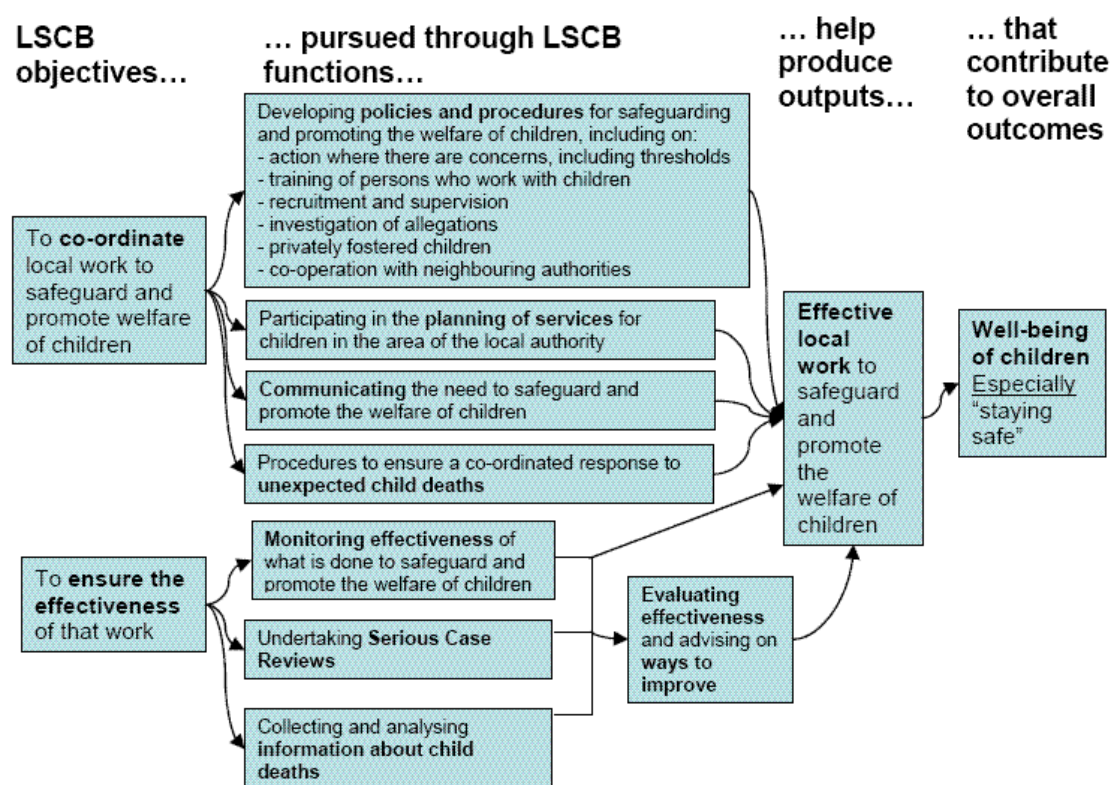


Working together with other agencies

Local Safeguarding Children Boards

3.1 Membership of LSCBs is set out in Working Together. The core objectives of the LSCB are as follows (section 14(1) of the Children Act 2004):

- To co-ordinate what is done by each person or body represented on the Board for the purpose of safeguarding and promoting the welfare of children in the area of the authority; and
- To ensure the effectiveness of what is done by each such person or body for that purpose



3.2 What this means for Cafcass: Cafcass is a statutory board member of every LSCB across England. Membership is either by the local Service Manager or a Senior Manager. Whilst the financial contribution, once spread across individual LSCBs, is relatively small, the Cafcass commitment means that we are involved with other safeguarding agencies in each locality. At the same time, as a national body we have a national perspective, which can be of assistance to local Boards (for example in co-ordinating information from Serious Case Reviews, see below). Cafcass has access to the training provided by the LSCB, and adheres to LSCB policies.



Children's Trusts and Children & Young People's Plans

- 3.3 Children's Trusts are the government's preferred model for achieving local integration of education, social care and some health services for children and young people. They are expected to help to deliver better services and outcomes for children, young people and their families. In addition to Primary Care Trusts, Children's Trust partners also include Connexions, Youth Offending Teams, Sure Start local programmes and a range of services for adults. Other local partners may include housing, leisure services, police, youth justice, voluntary organisations, and community organisations such as churches.
- 3.4 The Children & Young People's Plan is produced in each Local Authority area, to show how universal services will be delivered for all children in the locality, and how specific services will be delivered for vulnerable children. It should also demonstrate how the links with key adult services will be maintained and strengthened.
- 3.5 What this means for Cafcass: Cafcass has not committed any significant management time to these processes in the 150 Local Authorities with Children's Social Care Responsibilities. As a relatively small, national organisation Cafcass has made a strategic decision to focus involvement at the level of Local Children's Safeguarding Boards (above).

The Family Courts and Family Justice Councils

- 3.6 Children in the family court system due to concerns about significant harm or from family breakdown, especially when that breakdown arises from domestic violence, may have complex or acute needs. These will need to be addressed within the wider system for safeguarding children, as well as within the family court. Nothing in either system should prevent children from receiving appropriate support from both.
- 3.7 It is for the Family Justice Council and the Local Safeguarding Children Board, working co-operatively at a local level, to ensure that this happens.
- 3.8 There is a national Family Justice Council, replicated by a FJC in each locality. Membership is taken from the range of professional disciplines, and voluntary and self-help organisations, which are involved with children and families in the family court system.
- 3.9 The FJC's primary role is to promote an inter-disciplinary approach to the needs of family justice, and through consultation and research, to monitor the effectiveness of the system and to advise on reforms necessary for continuous improvement.
- 3.10 What this means for Cafcass: Cafcass is represented on every FJC, either by the local Service Manager, Regional Director, or both. As one of the agencies with membership of both the LSCB and the FJC, the Cafcass representative can play an important role in ensuring that



safeguarding matters are prioritised by the FJC.

Multi-Agency Public Protection Arrangements (MAPPA)

3.11 The multi-agency public protection arrangements (the MAPPA) grew out of the closer working relationship which developed between the police and probation (and latterly other agencies) in the late 1990s. Legislation now requires the police, prison and probation services (acting jointly as the 'Responsible Authority') in each of the 42 Areas of England and Wales:

- to establish arrangements for assessing and managing the risks posed by sexual and violent offenders;
- to review and monitor the arrangements; and, as part of the reviewing and monitoring arrangements;
- to prepare and publish an annual report on their operation.

3.12 There are principally three categories of offender who fall within the MAPPA:

- Registered Sex Offenders (RSOs), that is those sexual offenders required to register under the terms of the Sex Offenders Act (1997) and its amendments;
- violent offenders and those sexual offenders who are not required to register; and
- any other offender who, because of the offences committed by them (wherever they have been committed) are considered to pose a risk of serious harm to the public.

3.13 What this means for Cafcass: Cafcass is not one of the core MAPPA member agencies, but has a duty to co-operate in some individual cases. The MAPPA co-ordinator in each area must be given the contact details for the local Cafcass manager. Where a potentially dangerous individual is identified through Cafcass' work, then a MAPPA referral should always be considered by the practitioner following consultation with the Service Manager.

Multi Agency Risk Assessment Conference (MARAC)

3.14 A MARAC is a formal multi-agency conference that is used to manage the risk assessment process in cases of reported or high risk Domestic Violence. Minutes and agreed management action plans are detailed at each meeting and distributed to all attendees to ensure that those involved understand the contribution they are expected to make.

3.15 MARAC meetings are held regularly. In addition to Police and Probation, the following agencies are invited to attend: local authority children's social care; education; health; housing; Victim Support; NSPCC; Women's Aid; Independent Domestic Violence Advocates



(IDVAs); and in some MARAC arrangements, Cafcass. Other organisations can be invited for specific situations.

- 3.16 What this means for Cafcass: Cafcass is not one of the core MARAC agencies in all areas although Cafcass is regularly invited to some MARAC arrangements. There are significant advantages for Cafcass from this involvement. Where MARAC is operating, the co-ordinator should be given the contact details for the local Cafcass manager to ensure that Cafcass can attend at least for those cases where we have involvement and make referrals where necessary.

Collaboration at national level: working relationships with other organisations

- 3.17 In developing our safeguarding commitment, Cafcass has developed working relationships with a wide range of other organisations. These links are based on national collaboration, but will be mirrored at regional and local levels.
- 3.18 The working relationships can operate in a variety of ways: by statute; protocol; partnership; grant aid; commissioning; or an ad hoc arrangement to focus on a single issue. The formal context for all these relationships, and the way in which they operate in practice, should promote the safeguarding role of each organisation. Examples include:
- A high proportion of children and their families involved in family court proceedings will have dealings at some point with both Cafcass and the Local Authority Children's Social Care Service. Both play important roles within the family justice system and have committed themselves to working together to safeguard and promote the well-being of children.
 - Cafcass commits financial and staff resources to the promotion of safe contact provision for children. This can be at the level of supported or of supervised contact. In this work, Cafcass works closely with NACCC, which co-ordinates most of the voluntary child contact centre provision. The joint protocol is available on the Intranet at Cafcass / Operations / Private law / Cafcass & NACCC protocol: partnership working with child contact centres.
 - Cafcass and the NYAS have developed a protocol on rule 9.5 cases
 - the Local Government Association, who recently worked with Cafcass, ADCS, Women's Aid and Refuge in the development of commissioning guidance for domestic violence;
 - the Children's Rights Commissioner, and voluntary organisation CROA, who have worked alongside the Cafcass Children's Rights Director in the development of guidance to promote Section 118 (Adoption & Children Act 2002).



The Child Protection Conference and other case-related inter-agency meetings

- 3.19 The purpose of the Child Protection Conference (CPC) is outlined in Working Together to Safeguard Children (2006).
- 3.20 Where Cafcass is currently working with a family, the practitioner and/or manager should be invited to any Child Protection Conference, including pre-birth child protection conferences. This means that a Cafcass practitioner may attend Child Protection Conferences in a number of different contexts. It is important that the context is understood in each case and that the Child Protection Conference is informed of the nature of the practitioner's participation on each occasion. For example:
- The practitioner has made a referral to the Local Authority. If the practitioner has initiated a child protection inquiry (section 47) by making a referral to Local Authority Children's Social Care, the practitioner would be expected to provide information in a written format, as required by local LSCB procedures, to enable the conference to complete its tasks.
 - The practitioner is preparing a court report for a child for which a CPC has been convened
 - The practitioner is the supervisor of a Family Assistance Order
 - Cases closed to Cafcass. In these cases, the Service Manager will need to consider what contribution may be appropriate. This would normally be limited to information sharing by letter to the conference. Service Managers should seek assistance from the Cafcass Legal Helpline (0207 510 7025) if they require advice about what can be disclosed.
- 3.21 It may be useful for Cafcass practitioners to be able to attend other inter-agency meetings, including core group meetings, reviews and also Adoption Panel meetings. The practitioner should consider in each case the value of attending any of these meetings. This includes consultation with the child wherever possible.
- 3.22 If it becomes clear that the practitioner has *factual* information apparently not known to other agencies, which is clearly relevant to the planning for the child's welfare, this must be shared. Wherever possible this information must be shared before the meeting takes place.
- 3.23 When attending any interagency meeting, including a CPC, a Cafcass practitioner will not act as a full member of the conference and does not take part in any decision-making such as registration or consequent action as this may compromise the independence of the role. It is important that any contribution made by the practitioner does not conflict with court rules, and that the practitioner's presence does not lead to the conclusion that the practitioner shared responsibility for the decisions made at the meeting.



- 3.24 The only exception to the paragraph above, is when the Cafcass practitioner is the supervisor of a Family Assistance Order, when a more active involvement in decision-making and in subsequent work is appropriate.
- 3.25 If at any stage the practitioner and manager feel that the role may have been compromised, then where the practitioner is acting as a Children and Family Reporter, the practitioner and Service Manager would decide together whether the practitioner is able to continue in their court role in relation to the child. Where the practitioner is a Children's Guardian and the practitioner and his/her manager consider that the practitioner's role in the proceedings may have been compromised, the issue should be brought to the attention of the court at the earliest opportunity.
- 3.26 There are specific issues to be considered in relation to attendance at Adoption Panels. Separate Adoption Guidance is available on the Cafcass Intranet (Guidance for placement proceedings; Guidance for witnessing consent to the making of an adoption order; Guidance for adoption proceedings & s84 proceedings).
- 3.27 The following is included from guidance provided by the Children Act Advisory Committee in the 1990s. The Guardian Ad Litem was at that time described as an 'observer' to child protection conferences:
- *'Observer' does not mean 'silent observer'. A practitioner may possess factual information apparently not known to other agencies, which is clearly relevant to the planning for the child's welfare. In addition, the practitioner may have concerns about the decisions made by the meeting. In these circumstances, a practitioner should voice his/her concerns. It is not helpful for the practitioner, after the meeting, to reveal information that may have changed the decisions of the meetings about the child's interests, or to criticise the decisions of the meeting. The practitioner's overall intervention should be constructive and co-operative in order to promote the child's interests.*
 - *A practitioner may be asked for his/her opinion on specific or general issues in relation to the child during a meeting. Care must be taken by the practitioner in giving any opinion that could influence decisions taken by other participants in the meeting. If an opinion is given, it needs to be qualified by a statement that an opinion has been formed on the basis of information available up to that time, and may be altered by information revealed by further investigation.*



Serious Case Review (SCR) Procedure

- 3.28 'Working Together to Safeguard Children' outlines the procedure to be followed by the Local Safeguarding Children Board, for a Serious Case Review. The purpose of the Review is to:
- establish whether there are lessons to be learned about the way in which local professionals and agencies work together to safeguard children;
 - to identify clearly what those lessons are, how they will be acted upon and what is expected to change as a result; and
 - to improve inter-agency working in safeguarding children.
- 3.29 Working Together (2006) 7.6 states: *An unexpected death is defined as the death of a child which was not anticipated as a significant possibility 24 hours before the death or where there was a similarly unexpected collapse leading to or precipitating the events which led to the death... if in doubt these procedures should be followed until the available evidence enables a different decision to be made.*
- 3.30 Cafcass will collect information nationally about:
- 'expected' and 'unexpected' child deaths where the child or family is known to Cafcass, and
 - 'unexpected' child deaths which lead to a SCR, even where the case is not known to Cafcass.
- 3.31 A flowchart that clarifies the SCR procedure is included in the appendix and should be read alongside the following paragraphs.
- 3.32 The death or serious injury of a child affects everyone who has been working directly with the child and the family and those involved in the management and the administration of the case. The need to provide support to those involved should be considered from the time the concern is identified. A crucial role for the Service Manager is keeping the member of staff fully informed at all stages of this process. Managers must also consider who, including trade union representatives, may be able to provide additional support to the individuals involved.
- 3.33 In cases where Cafcass has had no involvement, it may be possible for the organisation to provide a valuable service as an objective member – or possibly chair – of a review panel. This is a demanding commitment in terms of time but can be greatly valued. Any such possibility must be agreed in advance with the Regional Director.

Cases known to Cafcass

- 3.34 Practitioners must immediately inform their Service Manager if they become aware that a child with whom Cafcass is currently working has died or been seriously injured whether or not abuse or neglect are known or suspected to be a factor in the child's death. If it appears that the child, or any other child is at risk, Cafcass must make a child protection referral in accordance with Cafcass Child Welfare (Protection) Policy.



- 3.35 Using the SCR notification form (see resource pack) the Service Manager will immediately inform the Regional Director and the Corporate Director with safeguarding responsibility, of any child deaths or serious injuries.
- 3.36 If it appears that there may possibly be a need for a Serious Case Review, but the LSCB has not so far identified this, then the Regional Director will inform the Cafcass representative on the LSCB.
- 3.37 In those cases where the LSCB decides not to conduct a SCR Cafcass will still review the case to identify any lessons learned.

Identification of agencies to be involved in a Serious Case Review

- 3.38 The LSCB considers which agencies to involve when the possible need for a Serious Case Review is identified.
- 3.39 The local Cafcass representative on the LSCB will ensure that Cafcass is routinely notified by the LSCB of *all* possible cases. This is because our involvement will not be automatically known about by the LSCB in all cases, particularly within private law situations.

Notification of a Serious Case Review

- 3.40 The decision to initiate a Serious Case Review rests with the Chair of the LSCB. On receipt of notification of a Serious Case Review, the Cafcass representative on the LSCB will immediately notify the Regional Director and Corporate Director with safeguarding responsibility using the notification form.
- 3.41 It is important for Cafcass to sit on the review panel when there has been Cafcass involvement. The Regional Director will identify which manager will undertake this responsibility. Usually this will be the person who would normally represent Cafcass on the LSCB, but this may need to change for this purpose, as the representative should not be the immediate line manager of the practitioner who has been involved in the case.

The securing of case files

- 3.42 The Regional Director will appoint a Service Manager, who does not have line management or performance management responsibility in relation to the case, to make immediate arrangements for the securing of all files and notes pertaining to the case, including any management records relevant to the case. The appointed Service Manager will inform the practitioner of the above immediately.
- 3.43 Case files must be secured as soon as notification is received that a Serious Case Review is to be held. In the case of self-employed practitioners or home workers, the relevant manager must make



immediate instruction for the file to be sealed and make arrangements for it to be recovered without delay.

- 3.44 The Regional Director may require the case file to be secured at any earlier point if consideration is being given to the need for a Serious Case Review. The files and notes must be secured in the form in which they existed at the time of the notification of the review.
- 3.45 If practitioners need to up-date their file of any events that preceded the decision to pursue a review, the date that these recordings were made should be clearly marked and passed on to be secured by the Regional Director alongside, but separate from, the original file.
- 3.46 In cases which remain open – for example with ongoing proceedings in respect of the siblings for a child who has died – the practitioner should be given a full copy of the original file, in order to maintain proper record keeping in the case.
- 3.47 The files must be securely stored by the Regional Director. Any request for access to the original documents must be agreed by the Regional Director.

Notification to the court

- 3.48 The court should be informed of the Serious Case Review and of any Cafcass co-operation with the process. Permission should be requested for leave to disclose documentation as necessary. The Regional Director will also need to apply to the LSCB for permission to disclose information to the person undertaking the review if this person is not a Cafcass employee.
- 3.49 There must be close communication between Cafcass and the LSCB about the time it may take to obtain the court's permission for disclosure of files. Family members who are party to the proceedings will usually be notified by the court of the Cafcass application. It is therefore important that the LSBC communicates with the family about the review, in advance of any Cafcass application to the court.

Timescales

- 3.50 Timescales for the Serious Case Review should be determined in the context of other processes, which may be taking place. These can relate to: family court applications, police enquiries, criminal court cases, or the coroner's court. Care must be taken to ensure that information from one process does not inappropriately 'leak' into another, in a way that could jeopardise the outcome of either process. At all times the Cafcass manager sitting on the Panel must pay particular regard to the issues of timing and confidentiality, between the Serious Case Review and any associated family court proceedings.



The appointment of a person to conduct the internal management ('single agency') review

- 3.51 The Regional Director will appoint a suitably qualified and experienced person who is external to the region to undertake the internal management review. In some cases Cafcass will appoint someone external to the agency. The decision will be made by the Regional Director and Corporate Director with safeguarding responsibility.
- 3.52 The Regional Director will discuss the LSCB's terms of reference for the SCR with the person appointed to undertake the internal management review and will confirm the specific remit in writing.
- 3.53 The Corporate Director with safeguarding responsibility will review the report in draft before it is sent to the LSCB. Final approval for the report to be sent to the LSCB will be the responsibility of the Corporate Director with safeguarding responsibility.

Serious Case Reviews: interviewing practitioners and managers in internal reviews

- 3.54 The person appointed to undertake the internal review will require to have access to all documentation relating to the case to establish the facts and to identify who is required to be interviewed.
- 3.55 Guidance for the work of the person undertaking the internal management review is found at section 8.27 of Working Together to Safeguard Children (2006). The regional director will commission the work based on a standard letter.

Action Plans and learning points

- 3.56 The LSCB Serious Case Review will produce an Action Plan, which is agreed on behalf of their organisations by members of the Review Panel. Where Cafcass is not a full member but the action points would apply to the organisation, these should be agreed with Cafcass at draft stage by Cafcass attending the SCR committee. The draft Action Plan must be agreed by the Corporate Director with safeguarding responsibility, as some Cafcass commitments from individual Action Plans will be implemented nationally as well as locally.
- 3.57 The Corporate Director with safeguarding responsibility should be provided with the Executive Summary from *all* Serious Case Reviews, even where Cafcass has not been involved.
- 3.58 The learning points that arise from Serious Case Reviews, both when Cafcass has been involved and when there has been no direct Cafcass involvement, will be coordinated nationally by Cafcass, and disseminated to Cafcass staff as well as shared with other safeguarding agencies as appropriate.



3.59 The Cafcass Board will receive regular information both about the learning points and action planning arising from child deaths.

Domestic homicide reviews

3.60 The Home Office has just ended a consultation on the proposal to establish Domestic Homicide Review Panels, based on similar lines to Serious Case Reviews. The implications for Cafcass will be inserted into the Framework, once the proposals are established. If Cafcass is invited to participate in a domestic homicide review before that time, then the procedures above, as outlined for Serious Case Reviews, should be followed.



Information Sharing Procedure

3.61 This section replaces the interim procedure for police, child protection register & social services checks

Key principles of information sharing

3.62 In order to make soundly-based decisions practitioners need to understand the key points of sharing information. These are set out in Government guidance: Information Sharing: Information for Practitioners (2006). www.ecm.gov.uk These principles will be adhered to by other organisations, from whom Cafcass requests information. They should be adhered to in any decisions about when to share information held by Cafcass with another organisation. When ContactPoint (the children's information sharing index) comes into effect (expected to be in 2008) these principles will form the basis of the decisions about sharing of information by all agencies registered on the database as working with that child.

- *You should explain to children, young people and families at the outset, openly and honestly, what and how information will, or could be shared and why, and seek their agreement. The exception to this is where to do so would put that child, young person or others at increased risk of significant harm or an adult at risk of serious harm, or if it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation.*
- *You must always consider the safety and welfare of a child or young person when making decisions on whether to share information about them. Where there is concern that the child may be suffering or is at risk of suffering significant harm, the child's safety and welfare must be the overriding consideration.*
- *You should, where possible, respect the wishes of children, young people or families who do not consent to share confidential information. You may still share information, if in your judgement on the facts of the case, there is sufficient need to override that lack of consent.*
- *You should seek advice where you are in doubt, especially where your doubt relates to a concern about possible significant harm to a child or serious harm to others.*
- *You should ensure that the information you share is accurate and up-to-date, necessary for the purpose for which you are sharing it, shared only with those people who need to see it, and shared securely.*
- *You should always record the reasons for your decision – whether it is to share information or not.*

- From: Government Guidance on Information Sharing: Information for Practitioners (2006)



Legal context

- 3.63 An outline of the legal position is available as a separate document, linked with the Government guidance on Information Sharing. Information Sharing: Further Guidance on Legal Issues (2006) www.ecm.gov.uk
- 3.64 In addition, specific note should be taken of the changes to the court disclosure rules. A legal alert on the implications of the new rule “Communication of Information Relating to Proceedings” (Family Proceedings Rules 1991 10.20A as amended) can be found internally on the Cafcass intranet. The Legal Services section also provides up to date guidance on disclosure.
- 3.65 Advice in specific individual situations can be obtained from Cafcass Legal (Tel: 0207 510 7025).
- 3.66 Cafcass is involved in a number of groups at national and local level, many of which have information-sharing agreements. Any local agreement must adhere to the principles and legal context set out above.

Obtaining information

- 3.67 In *public law* cases, it must not be assumed that police checks, or any other checks, have been carried out by Local Authority Children's Social Care. This must be checked by the Children's Guardian. Where this information is not available, the LASC should be requested to provide it. If it is not clear whether the child's name is on the Child Protection Register², this must also be checked.
- 3.68 In private law cases, Cafcass will receive copies of all section 8 applications from the court, at which stage initial checks will be made on both parties as set out under Screening, at 2.13-2.25, above).
- 3.69 In some cases, the court may request the assistance of Cafcass, when it is not possible to do the checks first (emergency applications) or when the information has not yet been obtained. Every effort should be made to limit these instances, because of the importance of screening situations for factors of risk. When Cafcass does work in a family situation without the benefit of this screening information, then the court should be made aware of this in writing and a record kept by Cafcass of what happened and why.
- 3.70 Whilst no national protocol has been agreed, examples of other organisations with whom extended checks are sometimes made at local level include:
- Health
 - Women's Aid

² As stated in *Working Together to Safeguard Children* (2006), the requirement to have in place a child protection register is to be replaced by the requirement that a child be the subject of a child protection plan as of 1st April 2008.



- Adult Services
- Probation

- 3.71 When considering whether extended checks are necessary, the principles and legal context should always be considered.
- 3.72 It will also be necessary to undertake additional checks if further, relevant individuals are identified. The practitioner should make a judgment as to which other people are 'relevant', once s/he has been allocated to the case. This consideration should extend to young people as well as adults.
- 3.73 'Relevant individuals' (adults or young people) may include for instance members of the same household as a party seeking residence or contact (whether staying or visiting). Also included would be new partners where it might be expected that the person would come into contact with the child or where the relationship might deepen so that the person would come to have more involvement with the child.
- 3.74 An example of a non-relevant individual might be the distant relative who rarely sees the family. Whether such a person could present a risk will depend on the particular facts of the case.
- 3.75 Before making additional or extended checks the *written explicit consent* of the individual concerned should be obtained unless there is a good reason not to do so. The 'consent to perform checks' form is in the resource pack for this purpose. Where consent is refused, consideration should be given to seeking direction from the court.
- 3.76 If the practitioner believes that there may be good reason not to seek consent in a particular case, the reason for that decision must be recorded on the case file.

Disclosing information (general)

- 3.77 The court rules (mentioned above at 3.64) state that it is lawful for Cafcass to disclose information to other agencies, in the 'furtherance of child protection'.
- 3.78 The subject of the information should always be informed unless it is considered that to do so would put the child or someone else at risk of harm, would risk interference with a police investigation or would place the practitioner at personal risk. Where the subject does not consent, legal advice must be obtained.
- 3.79 At all times, the Cafcass practitioner will be as open as possible within the limits outlined above, about the actions being taken and what the child, young person or adult can do if there is disagreement.
- 3.80 Where the case is currently before the court, Cafcass should inform the court as soon as possible that information has been provided. Where the case is closed, the decision about how far the court



should be involved needs to be made by the local Cafcass Service Manager.

- 3.81 There are a number of different situations in which Cafcass will disclose information – within the report for the court, when referring to LACSC or other LSCB agencies, and in some other situations. These are detailed in the following paragraphs. Care must always be taken when disclosing information that has been provided by a third party. Legal advice can be sought on this specific point.

Disclosing information (reporting to the court)

- 3.82 Any information written in reports will be available to all parties and to their advisers. Following changes to the Court Disclosure Rules in October 2005, parties can then share this information with a restricted group of people, for example a spouse, cohabitant or close family member, lay advisor or a McKenzie Friend. They can only do so on a restricted basis. Information about the persons with whom, and the purposes for which, information can be shared is available on the intranet.
- 3.83 No information in the report should reveal details about the address or living arrangements of any person, whether adult or child, when these are being kept confidential for safety reasons.
- 3.84 If a practitioner believes that information should be disclosed to the Court but should be withheld from one or more parties in the proceedings, s/he should discuss the case with the Service Manager and seek legal advice from the child's solicitor or Cafcass Legal as appropriate.
- 3.85 Where it is decided that information should be withheld from one or more parties, the practitioner should seek a directions appointment so that the Court can consider giving appropriate directions. It is only in exceptional cases that information that has been provided to the Court should be withheld from a party and directions must always be sought from the Court.

Sharing information with Local Authority Children's Social Care or other LSCB agencies

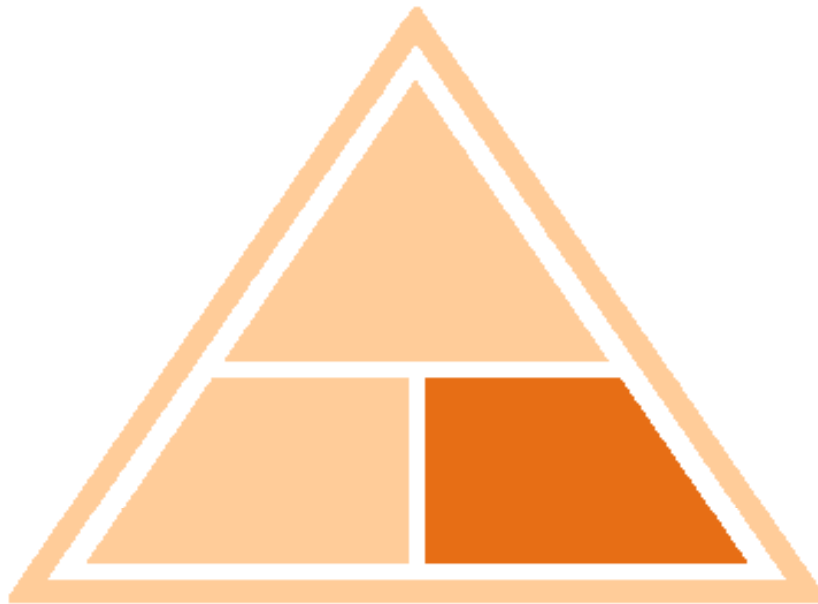
- 3.86 As detailed above (see 2.61-2.65) Cafcass may make referrals to the local authority or other agencies. The process is outlined in the earlier section.
- 3.87 Where the information provided to Cafcass suggests that the child may in the past have suffered harm through witnessing harm to others (e.g. domestic violence) (section 120 Adoption & Children Act 2002) but there is insufficient information to suggest the need for an immediate child welfare (protection) referral, then a notification of these facts must be sent to Local Authority Children's Social Care (as set out at 2.79, above). A copy of any court documentation can be attached. The section 120 notification form is in the resource pack for this purpose.



- 3.88 Cafcass is listed as one of the agencies who will provide information for ContactPoint, the new children's information sharing index. Separate guidance will be made available nearer the time of implementation. Further details about ContactPoint can be found on the DfES Every Child Matters website.

Disclosing information (other situations)

- 3.89 There are other situations where Cafcass is asked to share information, for example: participation in a Serious Case Review; information requests about adoption applicants; information requests from the Home Office Repatriation Unit. Leave of the court may be required, depending on the circumstances. Advice should be obtained from Cafcass Legal Services (tel: 020 7510 7025).
- 3.90 Whenever information is shared, it should contain a clear outline of the nature of Cafcass' involvement with the family along with any potential timescale. When Cafcass involvement ends, this should be notified to the agencies with whom Cafcass has previously shared information.
- 3.91 In all of the situations listed above, when the case is currently before the court, the court should be informed of the action taken by Cafcass.
- 3.92 The principles and legal context apply to all situations. Specific legal advice can be obtained from Cafcass Legal Services (tel: 020 7510 7025)



4 Safeguarding with Staff

The priority for the whole organisation and all Cafcass staff is the welfare of children. The main way in which the organisation delivers on this commitment, is through the actions of Cafcass staff. Working with children and families at times of crisis, vulnerability, change and loss lies at the heart of Cafcass. Cafcass supports all of our staff in meeting these challenges, with a particular commitment to staff welfare.

From the child's point of view, the capacity in the professionals to face this knowledge [the knowledge that child abuse may be happening] is as crucial in ordinary community settings, as it is for the specialist child protection social worker, paediatrician or police officer. People need help with understanding and working through situations such as these, and they go on needing help no matter how experienced they are. The Victoria Climbié case showed this all too clearly.

(‘The Risk Factor: making the child protection system work for children.’ A Cooper, R Hetherington, I Katz, Demos 2003)



Staff care

- 4.1 Working with children and families at times of crisis, vulnerability, change and loss lies at the heart of Cafcass. Cafcass supports all of our staff in meeting these challenges, with a particular commitment to staff welfare.
- 4.2 Cafcass recognises that many staff will have personal experience of the difficulties faced by the children with whom we work. When these experiences were in the past, it may be that access to the Confidential Care provision will be of help. When the experiences are current – for example, where staff are suffering domestic violence – then a comprehensive package of support will be provided. This is detailed in the Human Resources policy “Staff care policy in situations of domestic violence”, which is available on the intranet.
- 4.3 The Confidential Care provision offers all staff access to an independent, free and completely confidential service that combines practical, telephone information and support with face-to-face counselling, if required. The Confidential Care Adviceline is available 24 hours a day, 7 days a week, 365 days a year on 0800 917 8452.

Responsibility to ensure a safe environment for direct work with children

- 4.4 The importance of hearing the voice of the child is enshrined in the Welfare Checklist (Children Act 1989) (see earlier section on direct work with children). In all work with children, it is the responsibility of Cafcass staff to ensure that basic safeguards are in place. Children need to be safe, feel safe and trust the worker.
- 4.5 Cafcass is not a treatment agency. Cafcass staff work with children, but do not undertake therapy. Materials selected for use in direct work with children will be appropriate to the Cafcass role and the individual circumstances of the child.



4.6 In direct work with children, it is the responsibility of the Cafcass worker to ensure that the child is always in a safe environment, as set out below.

Key elements in ensuring the environment for direct work is safe

- When deciding the appropriate venue for direct working, there should be a discussion with the child. If the child's wishes cannot be met, a full explanation should be provided.
- Where a child is taken away from their home, the proposed venue should be discussed with the child and the carer, and information provided about the time the outing is likely to take.
- The child should have a familiar person available when being interviewed for the first time by a Cafcass practitioner.
- At all times, practitioners should plan for and be respectful of the individual's specific needs (e.g. the need for an interpreter, disabled access, the need to take medication at prescribed times, worship, etc).
- Almost all Cafcass offices now provide a safe, friendly environment for interviews with children. Where the Cafcass office is not suitable – for example because of travelling distance – there may be a number of suitable venues for seeing children away from their home, dependent on what is available locally. Examples include a room in the solicitor's office, a family centre or similar venue.
- Under no circumstances will Cafcass practitioners take children to their own homes.
- In some homes, whether the child's own home, foster home or other abode, space may be at a premium so that privacy is difficult. Nonetheless, Cafcass practitioners must avoid undertaking direct, focussed work with children in their own bedrooms. (This is different from accepting an invitation from the child to enter the bedroom, for example to admire the new curtains).
- In public law cases, the solicitor for the child should be kept informed of any interviews with the child. Where the Local Authority holds parental responsibility through a Care Order or interim Care Order, the social worker should also be kept informed.
- When visiting a child at home, the Cafcass worker should ensure that there is always a second adult in the home.
- There is important guidance about transporting children in cars on the Health & Safety section of the Cafcass intranet which must be complied with. The preferred option for transporting children to a suitable venue should be by the parent (or relative) in private law, or in public law by the social worker, carer or staff from a children's home, if that is where the child is living.
- Under no circumstances will Cafcass practitioners interview children in their cars.



Embedding safeguarding in the Performance Framework

- 4.7 Safeguarding is a key priority in managing our performance.
- 4.8 Models for supervision are effective in ensuring that the best interests of the child are promoted and safeguarded (see section 1.10, above and Supervision for Safeguarding in the appendix, below).
- 4.9 Within the appraisal process, the setting of annual objectives allows for flexibility in addressing the development needs of each individual worker. The development of safeguarding competencies (below) will be a priority within this process.
- 4.10 The following competencies are based on Social Care Occupational Standards and the Common Core of Skills and Knowledge for the Children's Workforce. They are tested during annual appraisal, to ensure that the focus is maintained:
- *Puts children and families at the forefront of everything we do; recognises that our service users are experiencing challenging circumstances and responds accordingly. (Generic)*
 - *Works with the child or young person safely & sensitively whilst ensuring they have a voice in the process. (Family Court Adviser)*
 - *Whilst working with the child and family is alert to safeguarding issues and follows Cafcass and local safeguarding procedures (Family Court Adviser)*
 - *Ensures the service responds appropriately to safeguard and protect the welfare of children (Service Manager)*
- 4.11 Performance management with practitioners, who are self-employed contractors, is through review of the contract. The competencies remain the same.
- 4.12 Cafcass addresses any issues, which arise from inspections through specific Action Plans.



Allegations or concerns that may indicate unsuitability to work with children

- 4.13 In accordance with the recommendation of Working Together to Safeguard Children (2006), Cafcass has identified the Corporate Director with safeguarding responsibility as the Senior Manager with overall responsibility for situations that arise as defined here.
- 4.14 All such matters will be investigated fairly in accordance with the Cafcass disciplinary procedure and with due regard for staff care.
- 4.15 Concerns or suspicions can arise about someone who is either contracted for services by Cafcass or employed at any level of the organisation, including those serving on the Board. Both categories of worker are referred to here as Cafcass 'staff'. These safeguarding concerns may relate to:
- the possible abuse of a child by a person, with professional access to that child;
 - the possible abuse of a child by a member of Cafcass staff, in situations outside the arena of work;
 - the possible physical abuse of another adult by a member of Cafcass staff;
 - the involvement of a member of Cafcass staff in a child welfare (protection) inquiry by the Local Authority, where there is no allegation that the member of staff instigated harm, but where the Local Authority will be assessing issues around the ability to protect the child. This will include situations where there has been the possible exposure of a child to harm (as defined by section 120 Adoption & Children Act 2002) – for example, through witnessing domestic violence; and
 - any other behaviour that indicates that a staff member may be unsuitable to work with children.
- 4.16 In all these situations, the concerns or suspicions must immediately be discussed with the member of staff's line manager, or another manager in their absence. For a Board member the discussion will be with the Chair and Chief Executive.
- 4.17 These kinds of allegations are received by Cafcass, often as part of a complaint. Care must be taken to ensure that safeguarding concerns, about children or adults, are responded to appropriately. This should not be within the complaints process. When there is any doubt, then there should be immediate consultation with the regional director, to decide the way to proceed.
- 4.18 The regional director must be informed immediately of all referrals that implicate Cafcass staff or contractors in the abuse of a child, and must in turn notify the Corporate Director.
- 4.19 The Local Authority CSC should be notified of all allegations in accordance with the Working Together and LSCB procedures for



allegations against people working with children. This notification should be made to the Local Authority Designated Officer.

4.20 The recording requirements for a referral involving a staff member or professional are the same as for all other referrals.

4.21 The Local Authority Designated Officer will consider the information and reach a decision about what further action may be necessary (see Working Together, appendix 5 p.239 ff). If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion will be convened by the Local Authority or the police to consider how the allegation will be responded to. Cafcass will contribute as required to the strategy discussion.

Link between child protection enquiries and disciplinary proceedings

4.22 Following Working Together to Safeguard Children (2006) appendix 5, responses to allegations of abuse against professionals will potentially have three related, but independent, strands:

- child protection enquiries;
- a possible police investigation into alleged criminal acts; and
- disciplinary procedures.

4.23 It will be important that each aspect is thoroughly assessed and a conclusion reached, and that the necessary processes are managed to ensure no element is compromised. The LSCB procedure for strategy discussions will be the vehicle for planning processes to ensure the integrity of each strand. It will be for Cafcass to reach the decision as to whether a disciplinary investigation is required, taking account of any recommendation made of the strategy meeting. If so, this will be either under the Disciplinary Procedure (for employed staff) or the contract review process (for self-employed contractors).

4.24 All further work-related decisions – for example relating to suspension, or decisions about the future work base, will be dealt with under the Performance and Conduct policy (employed staff) or the procedure for contract review (self-employed contractors).

4.25 Where staff are registered with the General Social Care Council (GSCC), the GSCC and the regulatory child protection bodies must be notified about any allegation where investigations are ongoing, and again when they are concluded.



Safeguarding with staff: other related issues

Recruitment & selection

- 4.26 Cafcass's Human Resources policies were revised in 2005 and now comply with best practice for safe recruitment and selection. In addition, Cafcass is committed to increasing the diversity of our workforce and supporting the staff we have recruited.
- 4.27 All practitioner staff are subject to re-checks with the Criminal Records Bureau on a three-yearly basis.

Knowledge learning & development

- 4.28 Cafcass training is integrated with the competence based Performance Management Framework. Within this Framework, safeguarding is listed as a core competence for practitioners and managers.
- 4.29 Safeguarding features prominently in all Cafcass' internal training. As an organisation at local level we are also committed to supporting and using multi-agency training provided through Local Safeguarding Children Boards, Domestic Violence Forums, etc.

Whistle blowing

- 4.30 Cafcass has a whistle blowing policy which protects staff members who draw attention to concerns about a colleague's performance or conduct.

Compliance

- 4.31 This Framework should be complied with by all Cafcass staff, unless specific circumstances indicate exceptional reasons which justify a variation. Such circumstances and any subsequent variation must be fully recorded.



Cafcass Safeguarding Framework

APPENDIX

- I. Every Child Matters: guidance for safeguarding agencies
- II. Adults who pose a risk to children
- III. Section 120 pathway
- IV. Serious Case Review flowchart
- V. Supervision for safeguarding

Every Child Matters guidance for safeguarding agencies

- Senior management commitment to the importance of safeguarding and promoting children's welfare
- A clear statement of the agency's responsibilities towards children, available for all staff
- A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children
- Service development that takes account of the need to safeguard and promote welfare, and is informed, where appropriate, by the views of children and families
- Training on safeguarding and promoting the welfare of children for all staff working with, or in contact with, children and families
- Safe recruitment procedures in place
- Effective inter-agency working to safeguard and promote the welfare of children
- Effective information sharing

HM Government: *Statutory guidance on making arrangements to safeguard and promote the welfare of children under s11 of the Children Act 2004*
(www.everychildmatters.gov.uk)

Cafcass Safeguarding Framework

APPENDIX

- I. Every Child Matters: guidance for safeguarding agencies
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Adults who pose a risk to children

See Working Together (2006) chapter 12, and Safeguarding Framework sections 2.13 – 2.37

The Children and Young Persons Act 1933 was intended to protect children of school age from “cruelty and exposure to moral and physical danger”. Schedule 1 of the Act set out a set of offences against children and young people to which particular provisions of the Act applied. The term ‘Schedule 1 offender’ subsequently came into wide use to describe anyone convicted of an offence against a child.

The term ‘Schedule 1 offender’ is no longer to be used within the context of assessing risks posed to children (see Working Together to Safeguard Children 2006, chapter 12). The term ‘Risk to Children’ should be adopted for those persons who have been identified as posing an ongoing risk to a child.

The conclusion that an individual poses a ‘Risk to Children’ should be based on all available information including that provided by relevant agencies, such as assessments of risk made by Probation, Police, Health, whether individually or via the Multi-Agency Public Protection Arrangements (MAPPA).

All professionals should ensure they use the term ‘Risk to Children’ for those who have been cautioned for an offence against a child and they should state what the offence is.

The revised list of offences, below, should not be deemed exhaustive, or used purely as a ‘trigger’ to denote risk. Rather the protection of children at risk of harm remains the responsibility of practitioners exercising their professional judgement. The following list was circulated as part of Local Authorities Social Services Letter (LASSL July 2005). The list includes both current and repealed offences. This is due to the fact that many offenders will have been convicted prior to the introduction of new legislation, such as the Sexual Offences Act 2003.

When Cafcass receives any information that an adult has a conviction, or has been cautioned, for the offences listed below, then the Child Welfare (Protection) procedure must be followed based on a careful assessment of the child's position. Where there is any concern at all, a referral to the Local Authority Children's Social Care should be made.

| Offence | Section | Act |
|---|------------|--------------------------------------|
| Murder | Common Law | |
| Manslaughter | Common Law | |
| Infanticide | Common Law | |
| Kidnapping | Common Law | |
| False Imprisonment | Common Law | |
| Assault or battery | Common Law | |
| Indecent exposure | Section 4 | Vagrancy Act 1824 |
| Indecent exposure | Section 28 | Town Police Clauses Act 1847 |
| Conspiring or soliciting to commit murder | Section 4 | Offences Against the Person Act 1861 |
| Administering poison, or wounding, with intent to murder | Section 11 | Offences Against the Person Act 1861 |
| Threats to kill | Section 16 | Offences Against the Person Act 1861 |
| Wounding and causing grievous bodily harm: Wounding with intent | Section 18 | Offences Against the Person Act 1861 |

| | | |
|--|------------|--------------------------------------|
| Wounding and causing grievous bodily harm: Inflicting bodily injury | Section 20 | Offences Against the Person Act 1861 |
| Maliciously administering poison | Section 23 | Offences Against the Person Act 1861 |
| Abandonment of children under two | Section 27 | Offences Against the Person Act 1861 |
| Assault occasioning actual bodily harm | Section 47 | Offences Against the Person Act 1861 |
| Child stealing | Section 56 | Offences Against the Person Act 1861 |
| Drunk in charge of a child under 7 years | Section 2 | Licensing Act 1902 |
| Cruelty to children | Section 1 | Children and Young Persons Act 1933 |
| Allowing persons under 16 to be in brothels | Section 3 | Children and Young Persons Act 1933 |
| Causing or allowing persons under 16 to be used for begging | Section 4 | Children and Young Persons Act 1933 |
| Give / cause to be given intoxicating liquor to a child under 5 years | Section 5 | Children and Young Persons Act 1933 |
| Exposing children under seven to risk of burning | Section 11 | Children and Young Persons Act 1933 |
| Prohibition against persons under 16 taking part in performances endangering life and limb | Section 23 | Children and Young Persons Act 1933 |
| Infanticide | Section 1 | Infanticide Act 1938 |
| Rape | Section 1 | Sexual Offences Act 1956 |
| Procurement of a woman by threats | Section 2 | Sexual Offences Act 1956 |
| Procurement of a woman by false pretences | Section 3 | Sexual Offences Act 1956 |
| Administering drugs to obtain or facilitate intercourse | Section 4 | Sexual Offences Act 1956 |
| Intercourse with a girl under 13 | Section 5 | Sexual Offences Act 1956 |
| Intercourse with a girl under 16 | Section 6 | Sexual Offences Act 1956 |
| Intercourse with defective | Section 7 | Sexual Offences Act 1956 |
| Procurement of defective | Section 9 | Sexual Offences Act 1956 |
| Incest by a man | Section 10 | Sexual Offences Act 1956 |
| Incest by a woman | Section 11 | Sexual Offences Act 1956 |
| Buggery where the victim is under 16* | Section 12 | Sexual Offences Act 1956 |
| Indecency between men (gross indecency) | Section 13 | Sexual Offences Act 1956 |
| Indecent assault on a woman | Section 14 | Sexual Offences Act 1956 |
| Indecent assault on a man | Section 15 | Sexual Offences Act 1956 |
| Assault with intent to commit buggery | Section 16 | Sexual Offences Act 1956 |
| Abduction of a woman by force or for the sake of her property | Section 17 | Sexual Offences Act 1956 |
| Abduction of unmarried girl under 18 from parent or guardian | Section 19 | Sexual Offences Act 1956 |
| Abduction of unmarried girl under 16 from parent or guardian | Section 20 | Sexual Offences Act 1956 |
| Abduction of defective from parent or guardian | Section 21 | Sexual Offences Act 1956 |
| Causing prostitution of women | Section 22 | Sexual Offences Act 1956 |
| Procurator of girl under 21 | Section 23 | Sexual Offences Act 1956 |
| Detention of a woman in a brothel or other premises | Section 24 | Sexual Offences Act 1956 |
| Permitting a girl under 13 to use premises for intercourse | Section 25 | Sexual Offences Act 1956 |
| Permitting a girl between 13 and 16 to use premises for intercourse | Section 26 | Sexual Offences Act 1956 |
| Permitting defective to use premises for | Section 27 | Sexual Offences Act 1956 |

| | | |
|---|-------------|--|
| intercourse | | |
| Causing or encouraging prostitution of, or intercourse with, or indecent assault on, girl under 16 | Section 28 | Sexual Offences Act 1956 |
| Causing or encouraging prostitution of defective | Section 29 | Sexual Offences Act 1956 |
| Man living on earnings of prostitution | Section 30 | Sexual Offences Act 1956 |
| Women exercising control over prostitute | Section 31 | Sexual Offences Act 1956 |
| Sexual intercourse with patients | Section 128 | Mental Health Act 1959 |
| Indecent conduct towards young child | Section 1 | Indecency with Children Act 1960 |
| Aiding, abetting, counselling or procuring the suicide of a child or young person. | Section 2 | Suicide Act 1961 |
| Procuring others to commit homosexual acts (by procuring a child to commit an act of buggery with any person, or procuring any person to commit an act of buggery with a child) | Section 4 | Sexual Offences Act 1967 |
| Living on earnings of male prostitution | Section 5 | Sexual Offences Act 1967 |
| Burglary (by entering a building or part of a building with intent to rape a child) | Section 9 | Theft Act 1968 |
| Supplying or offering to supply a Class A drug to a child, being concerned in the supplying of such a drug to a child, or being concerned in the making to a child of an offer to supply such a drug. | Section 4 | Misuse of Drugs Act 1971 |
| Inciting girl under 16 to have incestuous sexual intercourse | Section 54 | Criminal Law Act 1977 |
| Indecent photographs of children | Section 1 | Protection of Children Act 1978 |
| Offence of abduction of a child by parent | Section 1 | Child Abduction Act 1984 |
| Offence of abduction of child by other persons | Section 2 | Child Abduction Act 1984 |
| Possession of indecent photographs of children | Section 160 | Criminal Justice Act 1988 |
| Abduction of Child in Care/ Police Protection .. take away/induce away/assist to run away/ keep away | Section 49 | Children Act 1989 |
| Recovery of missing or unlawfully held children | Section 50 | Children Act 1989 |
| Abuse of Trust | Section 3 | Sexual Offences (Amendment) Act 2000 |
| Traffic in prostitution | Section 145 | Nationality, Immigration and Asylum Act 2002 |
| Rape | Section 1 | Sexual Offences Act 2003 |
| Assault by penetration | Section 2 | Sexual Offences Act 2003 |
| Sexual assault | Section 3 | Sexual Offences Act 2003 |
| Causing a person to engage in sexual activity without consent. | Section 4 | Sexual Offences Act 2003 |
| Rape of a child under 13 | Section 5 | Sexual Offences Act 2003 |
| Assault of a child under 13 by penetration | Section 6 | Sexual Offences Act 2003 |
| Sexual assault of a child under 13 | Section 7 | Sexual Offences Act 2003 |
| Causing or inciting a child under 13 to engage in sexual activity | Section 8 | Sexual Offences Act 2003 |
| Sexual Activity with a Child | Section 9 | Sexual Offences Act 2003 |
| Causing or inciting a child to engage in sexual activity | Section 10 | Sexual Offences Act 2003 |
| Engaging in sexual activity in the presence of a child | Section 11 | Sexual Offences Act 2003 |
| Causing a child to watch a sexual act | Section 12 | Sexual Offences Act 2003 |

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|---|------------|--------------------------|
| Child sex offences committed by a children or young persons | Section 13 | Sexual Offences Act 2003 |
| Arranging or facilitating commission of a child sex offence | Section 14 | Sexual Offences Act 2003 |
| Meeting a child following sexual grooming etc. | Section 15 | Sexual Offences Act 2003 |
| Abuse of position of trust: sexual activity with a child | Section 16 | Sexual Offences Act 2003 |
| Abuse of position of trust: causing or inciting a child to engage in sexual activity | Section 17 | Sexual Offences Act 2003 |
| Abuse of position of trust: sexual activity in the presence of a child | Section 18 | Sexual Offences Act 2003 |
| Abuse of position of trust: causing a child to watch a sexual act | Section 19 | Sexual Offences Act 2003 |
| Sexual activity with a child family member | Section 25 | Sexual Offences Act 2003 |
| Inciting a child family member to engage in sexual activity | Section 26 | Sexual Offences Act 2003 |
| Sexual activity with a person with a mental disorder impeding choice | Section 30 | Sexual Offences Act 2003 |
| Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity | Section 31 | Sexual Offences Act 2003 |
| Engaging in sexual activity in the presence of a person with a mental disorder impeding choice | Section 32 | Sexual Offences Act 2003 |
| Causing a person, with a mental disorder impeding choice, to watch a sexual act | Section 33 | Sexual Offences Act 2003 |
| Inducement, threat or deception to procure sexual activity with a person with a mental disorder | Section 34 | Sexual Offences Act 2003 |
| Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception | Section 35 | Sexual Offences Act 2003 |
| Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder | Section 36 | Sexual Offences Act 2003 |
| Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception | Section 37 | Sexual Offences Act 2003 |
| Care workers: sexual activity with a person with a mental disorder | Section 38 | Sexual Offences Act 2003 |
| Care workers: causing or inciting sexual activity | Section 39 | Sexual Offences Act 2003 |
| Care workers: sexual activity in the presence of a person with a mental disorder | Section 40 | Sexual Offences Act 2003 |
| Care workers: causing a person with a mental disorder to watch a sexual act | Section 41 | Sexual Offences Act 2003 |
| Paying for the sexual services of a child | Section 47 | Sexual Offences Act 2003 |
| Causing or inciting child prostitution or pornography | Section 48 | Sexual Offences Act 2003 |
| Controlling a child prostitute or a child involved in pornography | Section 49 | Sexual Offences Act 2003 |
| Arranging or facilitating child prostitution or pornography | Section 50 | Sexual Offences Act 2003 |
| Causing or inciting prostitution for gain | Section 52 | Sexual Offences Act 2003 |
| Controlling prostitution for gain | Section 53 | Sexual Offences Act 2003 |
| Trafficking into the UK for sexual exploitation | Section 57 | Sexual Offences Act 2003 |

| | | |
|--|------------|--|
| Trafficking within the UK for sexual exploitation | Section 58 | Sexual Offences Act 2003 |
| Trafficking out of the UK for sexual exploitation | Section 59 | Sexual Offences Act 2003 |
| Administering a substance with intent | Section 61 | Sexual Offences Act 2003 |
| Committing an offence with intent to commit a sexual offence (in a case where the intended offence was an offence against a child) | Section 62 | Sexual Offences Act 2003 |
| Trespass with intent to commit a sexual offence (in a case where the intended offence was an offence against a child) | Section 63 | Sexual Offences Act 2003 |
| Exposure | Section 66 | Sexual Offences Act 2003 |
| Voyeurism | Section 67 | Sexual Offences Act 2003 |
| Trafficking people for exploitation | Section 4 | Asylum and Immigration (Treatment of Claimants, etc) |

Notes:

- A reference to an offence in this list includes: a reference to an attempt, conspiracy or incitement to commit that offence; and a reference to aiding, abetting, counselling or procuring the commission of that offence.
- Unless stated otherwise, the victim of the offences listed above will be under 18
- Cautions and discharges for the offences listed above will apply

Cafcass Safeguarding Framework

APPENDIX

- I. Every Child Matters: guidance for safeguarding agencies
- II. Adults who pose a risk to children

III. Section 120 pathway

- IV. Serious Case Review flowchart
- V. Supervision for safeguarding

Pathway for action on receipt of private law applications

SCREENING CHECKS MUST BE COMPLETED IN COMPLIANCE WITH SECTIONS 2.13 – 2.25 OF THIS FRAMEWORK

| C1 or C7 Form – Question 7, which indicates a concern | C1A form – further details | Further action with other agencies |
|--|--|---|
| Box ticked no | C1A form not required | None |
| Box ticked yes | Not completed | <ol style="list-style-type: none"> 1. Notify the court that C1A form has not been completed as required 2. Provide the LA with all available information 3. Inform the LA when the Cafcass involvement has ended and the final outcome of the court case |
| Box ticked either yes or no | Info on C1, C7 or C1A form suggests that the child was previously at risk from witnessing harm (section 120) but there is insufficient information to require an immediate child welfare (protection) referral | <ol style="list-style-type: none"> 1. Provide the LA with all available information using section 120 letter (Resource Pack VIII1) 2. Inform the court of the notification 3. Inform the LA when the Cafcass involvement has ended and the final outcome of the court case |
| Box ticked either yes or no | Info on C1, C7 or C1A form suggests that the child is still at risk from witnessing harm (section 120) | <ol style="list-style-type: none"> 1. Refer to the Local Authority using the Cafcass Child Welfare (Protection) procedure (2.77) 2. Inform the court of the referral 3. Inform the LA when the Cafcass involvement has ended and the final outcome of the court case |
| Box ticked either yes or no | Info on C1, C7 or C1A form relates to other types of harm (physical, sexual, emotional abuse or neglect) | <ol style="list-style-type: none"> 1. Refer to the Local Authority using the Cafcass Child Welfare (Protection) procedure (2.77) 2. Inform the court of the referral 3. Inform the LA when the Cafcass involvement has ended and the final outcome of the court case |

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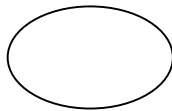
Serious Case Review Flowchart

NB. This flowchart is to be read in conjunction with the Cafcass Safeguarding Framework (sections 3.28-60), Working Together (DfES) 2006 and the Cafcass Serious Case Review notification / update form.

Key to symbols used in the flowchart:



Incident or action external to Cafcass



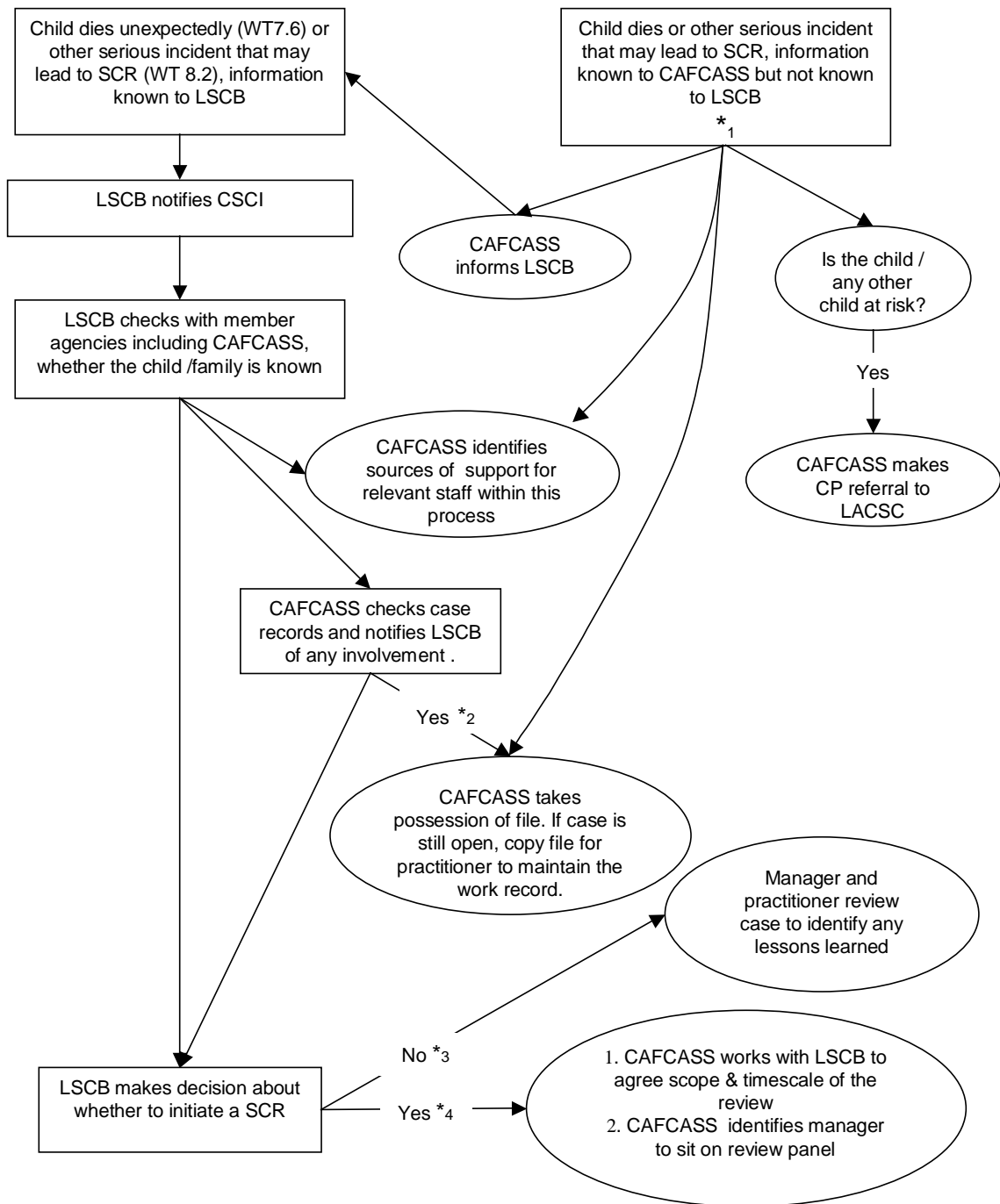
Cafcass action



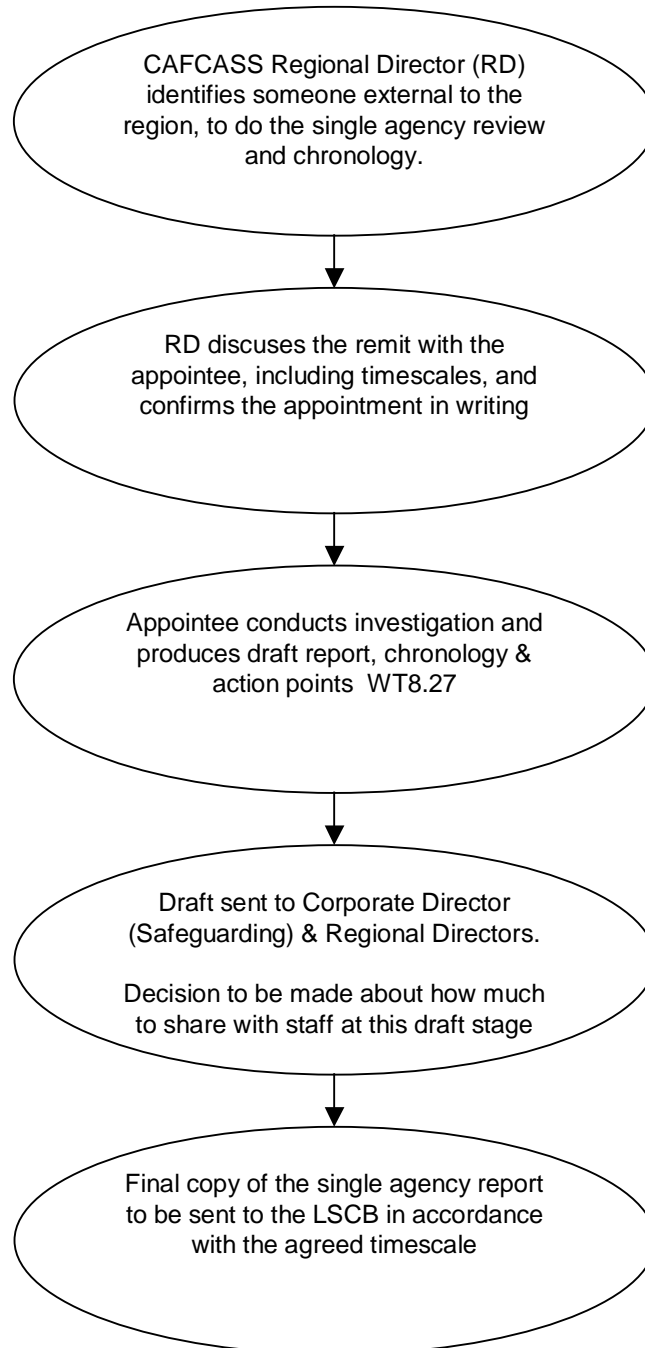
Significant Stage: a Cafcass notification or update is required at least at each significant stage marked *

*

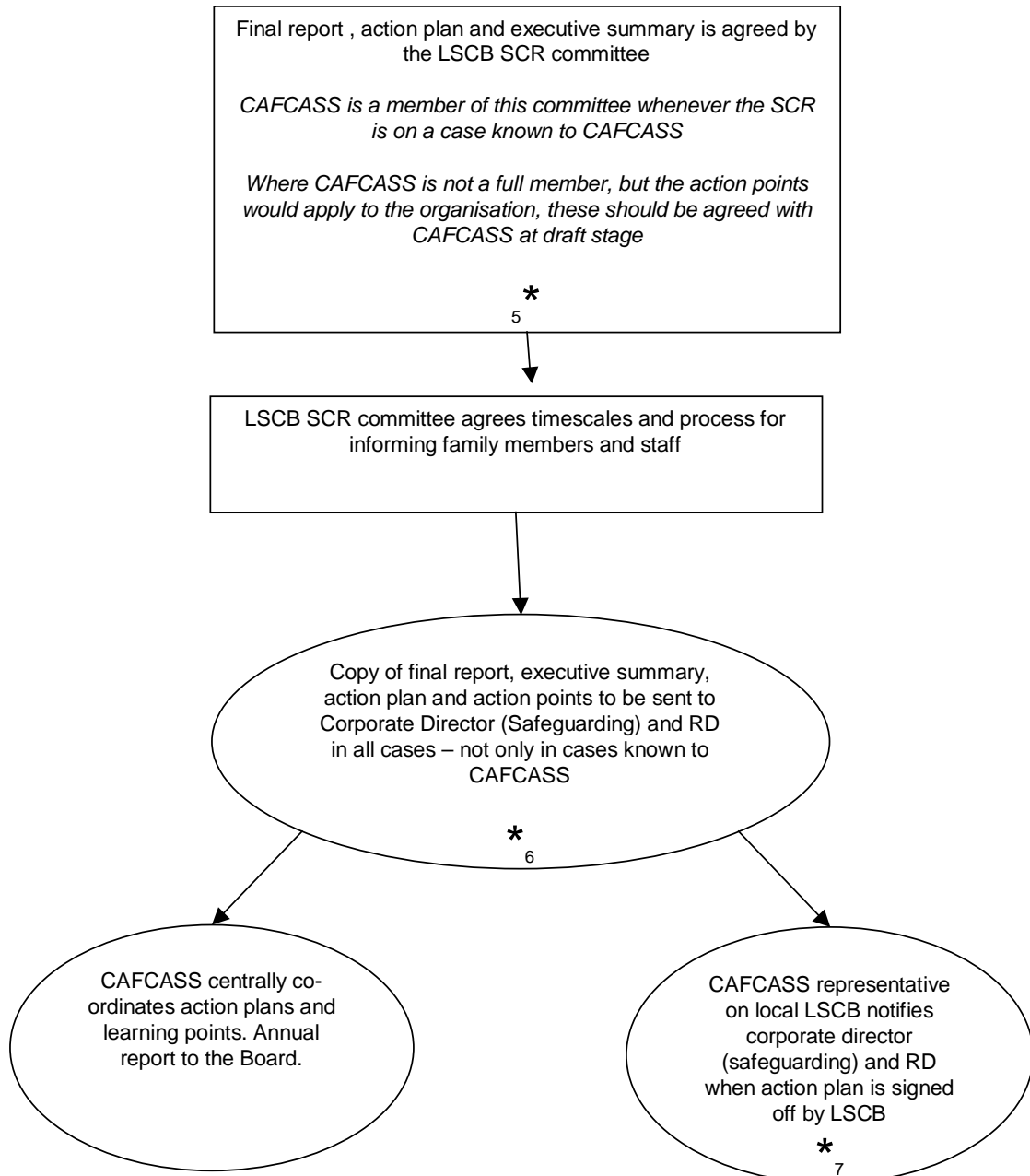
**SERIOUS CASE REVIEWS IN CAF/CASS
STAGE 1
PATHWAY TO SCR
(CASES KNOWN OR NOT KNOWN TO CAF/CASS)**



**SERIOUS CASE REVIEW IN CAFCASS
STAGE 2
SINGLE AGENCY REPORT
(WHEN CASE KNOWN TO CAFCASS)**



SERIOUS CASE REVIEWS IN CAFCASS
STAGE 3
LSCB REPORT, ACTION PLAN AND LEARNING POINTS
(CASES KNOWN OR NOT KNOWN TO CAFCASS)



Cafcass Safeguarding Framework

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Supervision for safeguarding within Cafcass

The Cafcass supervision policy states: *Effective supervision ensures that the best interests of the child are promoted and safeguarded.*

Cafcass' Performance Framework contains more detailed guidance about supervision, appraisal and quality assurance. At the time of writing, the supervision policy and guidance is due to be reviewed in the light of the work done to train all managers in the 'Tony Morrison' approach. This document does not seek to predict those changes, but simply to highlight the crucial role played by supervision in promoting and safeguarding the welfare of children.

Effective supervision performs four key functions, all of which are important for safeguarding. This model is taken from, 'Staff Supervision in Social Care' 2005 by Tony Morrison:

- ensuring competent, accountable practice (the management function)
- ensuring continuing professional development (the developmental function)
- providing personal support (the supportive function); and
- ensuring that staff are engaged with the organisation (the mediation function)

Working Together to Safeguard Children (2006) has a specific section about effective support and supervision, which states (section 5.154 -156):

Working together to ensure children are protected from harm requires sound professional judgements to be made. It is demanding work that can be distressing and stressful. All of those involved should have access to advice and support from, for example, peers, managers, or named and designated professionals.

For many practitioners involved in day-to-day work with families, effective supervision is important to promote good standards of practice and to support individual staff members. Supervision should ensure that practice is soundly based and consistent with Local Safeguarding Children Board and organisational procedures. It should ensure that practitioners fully understand their roles, responsibilities, and the scope of their professional discretion and authority. It should also help to identify the training and development needs of practitioners so that each has the skills to provide an effective service.

Supervision should include reflecting on, scrutinising and evaluating the work carried out, assessing the strengths and weaknesses of the practitioner and providing coaching, development and pastoral support. Supervisors should be available to practitioners as an important source of advice and expertise, and may be required to endorse judgements at certain key points in time. Supervisors should also record key decisions within the child's case records.

The importance of a clear line of accountability is emphasized throughout this Framework. Section 1.10 of this Framework states:

Within Cafcass performance management, supervision and opportunities for reflective practice are provided by a variety of methods. These arrangements should promote, rather than confuse, safe practice and accountability. Where this Safeguarding Framework states that the member of staff should inform his / her 'manager' (for example where there are concerns about possible significant harm, as

described at para. 2.81) then this person is defined as the staff member's line manager or contract manager, irrespective of any alternative arrangements for mentoring or practice supervision.

The process of supervision should provide direct evidence that key processes have been followed including:

- screening and risk identification is carried out and recorded
- case plans are prepared and maintained through the life of a case, which evidence a planned and effective approach to practice including the active involvement of children and young people.
- the Safeguarding Framework is adhered to in the majority of situations. Where the circumstances of an unusual individual case mean that practice has to vary from the Framework, that the reasons for this and the actions taken are recorded
- all work with the child is recorded
- where risk factors are identified, the case plan identifies the response – for example, the frequency of visits to a child placed at home during care proceedings.
- Where high risk is identified, the service manager is informed
- Where a safety assessment is undertaken, it complies with the 'key elements' set out in the Safeguarding Framework
- Where a child welfare (protection) referral is made, this is followed up in writing within 24 hours. Where the Local Authority Children's Social Care do not respond, this is again followed up by the Cafcass practitioner.
- In these circumstances, evidence that the child or young person's own views were obtained as far as possible, and recorded on the case file.
- Direct observation of practice with both adults and children.
- Feedback from children and parents.

It would never be possible for the manager to check for this level of direct evidence in all cases for all staff – what matters is that the manager takes a systematic approach, so that any weakness or gaps in safeguarding practice become apparent. More detailed responses would then need to be planned to meet the specific situation.

In general, supervision should support and promote the application of emotional intelligence within Cafcass practice (self-awareness, self-management, the ability to work with others, social awareness) to safeguarding work. Where the manager has concerns that this is not evident, then the checklist above would provide a place to start in assessing the safety of the practitioner's practice, alongside the wider performance management tools.

